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20 *Defendant Airbus Helicopters, Inc.*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 MARY RIGGS, as Personal Representative of
15 the ESTATE OF JONATHAN NEIL UDALL,
16 for the benefit of the ESTATE OF
17 JONATHAN NEIL UDALL, and PHILIP
18 AND MARLENE UDALL as Next of Kin and
Natural Parents of JONATHAN NEIL
UDALL, deceased,

19 Plaintiffs,

20 vs.

21 MATTHEW HECKER, a Nevada resident;
22 DANIEL FRIEDMAN, a Nevada resident;
23 BRENDA HALVORSON, a Nevada resident;
24 GEOFFREY EDLUND, a Nevada resident;
25 ELLING B. HALVORSON, a Nevada
resident; JOHN BECKER, a Nevada resident;
26 ELLING KENT HALVORSON, a Washington
resident; LON A. HALVORSON, a
Washington resident; PAPILLON AIRWAYS,
INC. d/b/a PAPILLON GRAND CANYON
27 HELICOPTERS, an Arizona Corporation;
AIRBUS HELICOPTERS, S.A.S., a French
Corporation; AIRBUS HELICOPTERS, INC.,
a Delaware Corporation; XEBEC LLC, a

Case No.

**SPECIALLY-APPEARING DEFENDANT
AIRBUS HELICOPTERS, INC.'S INDEX
OF PROCESS, PLEADINGS, AND
ORDERS BEING FILED WITH NOTICE
OF REMOVAL**

1 Washington Limited Liability Company; and
 2 SCOTT BOOTH, a California resident,

3 Defendants.

4 Pursuant to Local Rule IA 10-3, the following is an index of documents being filed with
 5 Specially-Appearing Defendant Airbus Helicopters, Inc.'s Notice of Removal:

EX.	DATE	DESCRIPTION
1		Index of Documents Being Filed
2	03/02/18	Original Complaint
3	03/02/18	Initial Appearance Fee Disclosure
4	03/09/18	First Amended Complaint
5	03/21/18	Affidavit of Service as to Defendant Daniel Friedman
6	03/21/18	Affidavit of Service as to Defendant Papillon Airways
7	03/30/18	Plaintiffs' Motion to Associate Counsel
8	04/02/18	Plaintiffs' Motion to Associate Counsel
9	04/09/18	Affidavit of Service as to Clark County Coroner
10	04/13/18	Acceptance of Service as to Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent Halvorson, Lon A. Halvorson, Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Xebec LLC, and Scott Booth
11	04/16/18	Notice of Hearing
12	04/30/18	Affidavit of Service as to Airbus Helicopters, Inc.
13	05/07/18	Email Agreement extending Airbus Helicopters, Inc.'s time to answer, move against, or otherwise respond to the First Amended Complaint until July 9, 2018
14	05/11/18	Minute Order cancelling Hearing set for May 24, 2018 on Motions to Associate Counsel

EX.	DATE	DESCRIPTION
15	05/17/18	Initial Appearance Fee Disclosure
16	05/17/18	Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent Halvorson, Lon A. Halvorson, and Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters' Motion to Associate Counsel (Kearns)
17	05/17/18	Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent Halvorson, Lon A. Halvorson, and Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters' Motion to Associate Counsel (Katt)
18		State Court Docket Sheet, as of May 18, 2018

DATED this 18th day of May, 2018.

PISANELLI BICE PLLC

By: /s/ Todd L. Bice

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13 *Pending Pro Hac Vice admission

14 **DISTRICT COURT**15 **CLARK COUNTY, NEVADA**

16 MARY RIGGS, as Personal Representative of the
 17 ESTATE OF JONATHAN NEAL UDALL, for the
 18 benefit of the ESTATE OF JONATHAN NEAL
 19 UDALL, and PHILIP AND MARLENE UDALL as
 20 Next of Kin and Natural Parents of JONATHAN
 20 NEAL UDALL, deceased,

21 Plaintiffs,

22 vs.

23 MATTHEW HECKER, a Nevada resident;
 24 DANIEL FRIEDMAN, a Nevada resident;
 24 BRENDA HALVORSON, a Nevada resident;
 25 GEOFFREY EDLUND, a Nevada resident;
 25 ELLING HALVORSON, a Nevada resident
 26 JOHN BECKER, a Nevada resident
 26 PAPILLON AIRWAYS, INC. d/b/a
 26 PAPILLON GRAND CANYON HELICOPTERS,
 27 an Arizona Corporation; AIRBUS

A-18-770467-C

CASE NO.
 DEPT. NO.

Department 13

**COMPLAINT
 (HELICOPTER CRASH/
 WRONGFUL DEATH)**

**ARBITRATION EXEMPTION
 CLAIMED: EXTRAORDINARY
 RELIEF**

JURY DEMANDED

HELICOPTERS, S.A.S., a French Corporation; AIRBUS HELICOPTERS, INC., a Delaware Corporation; XEBEC LLC, a Washington Limited Liability Company; and SCOTT BOOTH, a California resident,

Defendants.

Plaintiffs MARY RIGGS, as Personal Representative of the ESTATE OF JONATHAN NEAL UDALL, for the benefit of the ESTATE OF JONATHAN NEAL UDALL, and PHILIP AND MARLENE UDALL as Next of Kin and Natural Parents of JONATHAN NEAL UDALL, deceased, for their causes of action against the above-captioned Defendants, state and allege as follows:

INTRODUCTION PERTAINING TO ALL CAUSES OF ACTION
PLAINTIFFS

1. Plaintiff Mary Riggs is a resident of and domiciled in the State of Nevada and is the duly appointed Personal Representative of the Estate of Jonathan Neal Udall, and is entitled to maintain this action.
2. Plaintiff Philip Udall is a resident of Southampton, UK. Philip Udall is next of kin and the natural father of Jonathan Neal Udall who died on February 22, 2018 after being involved in a helicopter crash which occurred on February 10, 2018 in the Grand Canyon near Peach Springs, Arizona. His son, Jonathan Neal Udall, died from injuries sustained in the helicopter crash.
3. Plaintiff Marlene Udall is a resident of Southampton, UK. Marlene Udall is next of kin and the natural mother of Jonathan Neal Udall who died on February 22, 2018 after being involved in a helicopter crash which occurred on February 10, 2018 in the Grand Canyon

1 near Peach Springs, Arizona. Her son, Jonathan Neal Udall, died from injuries sustained in
2 the helicopter crash.

3 **DEFENDANTS**

4 **DEFENDANT MATTHEW HECKER**

5 4. Defendant Matthew Hecker is a Nevada resident.
6
7 5. Defendant Matthew Hecker resides at 4550 Karen Avenue, Apt. 132, Las Vegas, Nevada
8 89121 and can be served at this address.

9 6. Defendant Matthew Hecker is a Field Stationed Mechanic for Papillon operations at
10 Grand Canyon West providing trouble shooting and repair of Papillon's fleet of helicopters,
11 including the subject ED 130 B4.

12 7. Defendant Matthew Hecker was wholly or partially responsible for the mechanical
13 maintenance of the subject helicopter, including but not limited to the tail rotor system,
14 and/or was responsible for the supervision and control of other mechanics performing
15 services upon the subject helicopter and/or component parts, including but not limited to the
16 tail rotor system.

17 8. At all times pertinent hereto, Defendant Matthew Hecker was acting within the scope and
18 course of his agency or assignment with Defendant Papillon and that such Defendant is
19 vicariously liable for the negligent acts of Defendant Matthew Hecker as alleged herein.

20 **DEFENDANT DANIEL FRIEDMAN**

21 9. Defendant Daniel Friedman is a Nevada resident.

22 10. Defendant Daniel Friedman resides at 6257 Overhang Avenue, Henderson, Nevada
23 89011 and can be served at that address.

11. Defendant Daniel Friedman is an Inspector for Papillon Grand Canyon Helicopters and is responsible for insuring all maintenance work is properly signed off on and performed.

12. Defendant Daniel Friedman also provides maintenance inspections on Papillon Helicopters, including the subject EC 130 B4 helicopter.

13. At all times pertinent hereto, Defendant Daniel Friedman was acting within the course and scope of his agency or assignment with Defendant Papillon and that such Defendant is vicariously liable for the negligent acts of Defendant Daniel Friedman as alleged herein.

DEFENDANT BRENDA HALVORSON

14. Defendant Brenda Halvorson is a Nevada resident.

15. Defendant Brenda Halvorson can be served at 1265 Airport Road, Boulder City, Nevada 89005.

16. Defendant Brenda Halyorson is the Director for Papillon Helicopters.

17. At all times pertinent hereto Defendant Brenda Halvorson was wholly or partially responsible for the safe and reasonable maintenance of the subject helicopter and/or component parts and was responsible for the supervision of individuals performing services upon the subject helicopter and component parts.

DEFENDANT GEOFFREY EDLUND

18. Defendant Geoffrey Edlund is a Nevada resident.

19. Defendant Geoffrey Edlund can be served at 1265 Airport Road, Boulder City, Nevada 89005.

20. Defendant Geoffrey Edlund is the President of Papillon Helicopters.

21. At all times pertinent hereto Defendant Geoffrey Edlund was wholly or partially responsible for the safe and reasonable maintenance of the subject helicopter and/or component parts and was responsible for the supervision of individuals performing services upon the subject helicopter and component parts.

22. At all times pertinent hereto, Defendant Geoffrey Edlund was acting within the scope and course of his agency or assignment with Defendant Papillon and that such Defendant is vicariously liable for the negligent acts of Defendant Geoffrey Edlund as alleged herein.

DEFENDANT ELLING HALVERSON

23. Defendant Elling Halvorson is a Nevada resident.

24. Defendant Elling Halvorson can be served at 1265 Airport Road, Boulder City, Nevada
89005.

25. Defendant Elling Halvorson is the Director of Papillon Helicopters.

26. At all times pertinent hereto Defendant Elling Halvorson was wholly or partially responsible for the safe and reasonable maintenance of the subject helicopter and/or component parts and was responsible for the supervision of individuals performing services upon the subject helicopter and component parts.

27. At all times pertinent hereto, Defendant Elling Halvorson was acting within the scope and course of her agency or assignment with Defendant Papillon and that such Defendant is vicariously liable for the negligent acts of Defendant Elling Halvorson as alleged herein.

DEFENDANT JOHN BECKER

28. Defendant John Becker is a Nevada resident.

29. Defendant John Becker can be served at 1265 Airport Road, Boulder City, Nevada
89005.

30. Defendant John Becker is the Chief Operating Officer and Director of Operations of Papillon Helicopters.

31. At all times pertinent hereto Defendant John Becker was wholly or partially responsible for the safe and reasonable maintenance of the subject helicopter and/or component parts and was responsible for the supervision of individuals performing services upon the subject helicopter and component parts.

32. At all times pertinent hereto, Defendant John Becker was acting within the scope and course of his agency or assignment with Defendant Papillon and that such Defendant is vicariously liable for the negligent acts of Defendant John Becker as alleged herein.

**DEFENDANT PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON HELICOPTERS**

33. Defendant Papillon Airways, Inc., d/b/a Papillon Grand Canyon Helicopters (hereinafter referred to as "Defendant Papillon") is an Arizona corporation doing business in the State of Nevada.

34. Defendant Papillon maintains a Nevada Registered Agent and may be served through its
Registered Agent, The Corporation Trust Company of Nevada, 701 S. Carson Street, Suite
200, Carson City, Nevada 89701.

35. Defendant Papillon's principle place of business is in Clark County, Nevada.

36. Defendant Papillon regularly conducts its daily business activities in Clark County, Nevada.

37 Defendant Papillon maintains its main helicopter tour offices in Clark County, Nevada.

38. Defendant Papillon employees it pilots and mechanics in its office located in Clark County, Nevada.

39. All of Defendant Papillon's income is generated through its offices in Clark County, Nevada.

40. Defendant Papillon is engaged in the business of operating, maintaining, servicing and distributing helicopters for uses including, but not limited to, sightseeing and touring activities.

41. At all times material hereto, Defendant Papillon operated, maintained, serviced, and distributed touring helicopters, in particular the subject EV 130 B4 helicopter, throughout these United States, including the State of Nevada, to be used by a foreseeable class of persons, consisting of those persons who may be passengers on touring helicopters, of which Jonathan Neal Udall was a member.

42. At all times material hereto, Defendant Papillon was acting by and through its agents, servants, and/or employees, each of whom were acting in the course and scope of their employment with this Defendant.

DEFENDANT AIRBUS HELICOPTERS, S.A.S.

43. Defendant Airbus Helicopters, S.A.S., (hereinafter referred to as "Defendant Airbus, S.A.S.") is a French corporation doing business in the State of Nevada.

44. Defendant Airbus, S.A.S. is the foreign counterpart of Defendant Airbus Helicopters, Inc., with its headquarters and principal place of business located at Aeroport International, Marseille Provence, 13725 Marignane – Cedex – France.

1 45. Defendant Airbus S.A.S. may be served pursuant to the Hague Convention by private
2 process server in that both the United States and France are signatory parties to the Hague
3 Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or
4 Commercial Matters, **20. U.S.T. 361; 658 U.N.T.S. 163.**

5 46. Defendant Airbus, S.A.S., is liable in all respects as it is the successor corporation of
6 Eurocopter, S.A.S., which was the original manufacturer of the subject EC 130 B4 helicopter
7 and component parts and systems and there was and continues to be an express and/or
8 implied agreement between Defendant Airbus, S.A.S., and Eurocopter, S.A.S., to assume all
9 its post-sale liabilities and obligations. Plaintiffs herein have no remedy against the
10 predecessor corporation, Eurocopter, S.A.S., due to its reorganization.

11 47. Defendant Airbus, S.A.S., is engaged in the design, manufacture, testing, inspection,
12 assembly, labeling, advertising, sale, promotion, and/or distribution of helicopters for
13 ultimate sale and/or use in the State of Nevada.

14 48. At all times material hereto, Defendant Airbus, S.A.S., has sold, delivered, and/or
15 distributed such products, in particular the subject helicopter, for ultimate sale and/or use in
16 the forty-eight (48) continental states of these United States of America, including the State
17 of Nevada, to be used by a foreseeable class of persons, consisting of those persons who may
18 be passengers of helicopters, of which Jonathan Neal Udall was a member.

19 49. At all times material hereto, Defendant Airbus, S.A.S., operated in Nevada by and
20 through its various employees and agents.

50. At all times material hereto, Defendant Airbus, S.A.S., was acting by and through its agents, servants and/or employees, each of whom were acting within the course and scope of their employment with Defendant.

DEFENDANT AIRBUS HELICOPTERS, INC.

51. Defendant Airbus Helicopters, Inc., (hereinafter referred to as Defendant Airbus, Inc.) is a Delaware Corporation doing business in the State of Nevada

52. Defendant Airbus, Inc., may be served through its Registered Agent, National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904.

53. Defendant Airbus, Inc., is liable in all respects as it is the successor corporation of American Eurocopter which was the original manufacturer of the subject EC 130 B4 helicopter and component parts and there was and continues to be an express and/or implied agreement between Defendant Airbus, Inc., and American Eurocopter to assume all its post-sale liabilities and obligations. Plaintiffs herein have no remedy against the predecessor corporation, American Eurocopter, due to its reorganization.

54. Defendant Airbus, Inc., is engaged in the design, manufacture, testing, inspection, assembly, labeling, advertising, sale, promotion, and/or distribution of helicopters for ultimate sale and/or use in the State of Nevada.

55. At all times material hereto, Defendant Airbus, Inc., has sold, delivered, and/or
bouted such products, in particular the subject helicopter, for ultimate sale and/or use in the
eight (48) continental states of these United States of America, including the State of Nevada,
used by a foreseeable class of persons, consisting of those persons who may be passengers of
opters, of which Jonathan Neal Udall was a member.

56. At all times material hereto, Defendant Airbus, Inc., operated in Nevada by and through its various employees and agents.

57. At all times material hereto, Defendant Airbus, Inc., was acting by and through its agents, servants and/or employees, each of whom were acting within the course and scope of their employment with Defendant.

DEFENDANT XEBEC LLC

58. Defendant XEBEC LLC (hereinafter referred to as "Defendant XEBEC" is a Washington Limited Liability Company doing business in the State of Nevada.

59. Defendant XEBEC may be served through its Registered Agent, Lynn O. Hurst, 701 5th Avenue, Suite 5500, Seattle, Washington 98104.

60. Defendant XEBEC is engaged in the business of owning, distributing, and/or leasing helicopters for uses including, but not limited to, sightseeing and touring activities.

61. At all times material hereto, Defendant XEBEC owned, distributed, and/or leased touring helicopters, in particular the subject EC 130 B4 helicopter, throughout these United States, including the State of Nevada, to be used by a foreseeable class of persons, consisting of those persons who may be passengers on touring helicopters, of which Jonathan Neal Udall was a member.

62. At all times material hereto, Defendant XEBEC was acting by and through its agents, servants, and/or employees, each of whom were acting in the course and scope of their employment with this Defendant.

DEFENDANT SCOTT BOOTH

63. Defendant Scott Booth is a resident of the State of California. He is employed by Defendant Papillon and works out of their offices in Clark County, Nevada.

64. Defendant Scott Booth may be served at: 770 Santiago Avenue, Long Beach, California 90804.

65. At all times material hereto, Defendant Scott Booth was an agent or employee of Defendant Papillon, and at all times herein mentioned was acting within the scope and course of his agency or assignment with Defendant Papillon. That such Defendant is vicariously liable for the negligent acts of Defendant Scott Booth as alleged.

IDENTIFICATION OF AIRCRAFT AND PARTS

66. This aircraft involves a 2010 Eurocopter EC 130 B4 helicopter, registration number N155GC, serial number 7091. The helicopter was designed, manufactured, assembled, distributed, and sold by Airbus, S.A.S. and Airbus, Inc. for use as a touring and sightseeing helicopter. The said helicopter was owned by Defendant XEBEC, and operated by Defendant Papillon, and used in the course of a sightseeing business known as Papillon Grand Canyon Helicopters. The subject helicopter was being piloted by Defendant Scott Booth.

GENERAL ALLEGATIONS

67. On or about February 10, 2018, Jonathan Neal Udall was a passenger in a 2010 Eurocopter EC 130 B4 helicopter on a sightseeing tour of the Grand Canyon.

68. The helicopter, operated by Defendant Papillon, owned by Defendant XEBEC, and piloted by Defendant Scott Booth, departed Boulder City Municipal Airport in Boulder City, Nevada with an intended landing at Quartermaster landing zone.

69. The helicopter, operated by Papillon Helicopters and owned by XEBEC, was flying in the Grand Canyon and was on an approach to land at a landing zone in Quartermaster Canyon, near Peach Springs, Arizona.

70. While on approach, at approximately 5:15 p.m., witnesses saw the subject helicopter make at least two (2) 360 degree left turn revolutions.

71. The subject helicopter descended into the canyon wash, impacted terrain, and crashed into the canyon. Upon impact, the helicopter burst into flames and burned.

72. Jonathan Neal Udall was rescued from the burning helicopter. He was transported to University Medical Center where he remained in critical condition.

73. On February 22, 2018, Jonathan Neal Udall succumbed to his severe and catastrophic burn injuries.

FIRST CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT MATTHEW HECKER – WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

74. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

75. On February 10, 2018, Defendant Matthew Hecker was a Field Stationed Mechanic and/or Supervising Mechanic for Defendant Papillon.

76. Defendant Matthew Hecker held himself out as a person who could carefully and competently provide such mechanical services and/or supervise mechanics with respect thereto.

77. Said Defendant had a direct involvement with the subject helicopter.

78. Defendant Matthew Hecker had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent a Field Stationed Mechanic and/or Supervising Mechanic of a helicopter tour business would use under the same or similar circumstances.

79. Defendant Matthew Hecker breached that duty and was negligent by failing to properly and adequately perform mechanical services on the subject helicopter and/or component parts, including the tail rotor, causing the helicopter to crash at said location, thereby causing the injuries and damages complained of herein.

80. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of said Defendant, Jonathan Neal Udall died.

SECOND CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT DANIEL FRIEDMAN – WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

81. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

82. On February 10, 2018, Defendant Daniel Friedman was an Inspector for Defendant Papillon.

83. Defendant Daniel Friedman held himself out as a person who could carefully and competently provide such inspection of helicopters and/or maintenance with respect thereto.

84. Said Defendant had a direct involvement with the subject helicopter.

85. Defendant Daniel Friedman had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent Inspector of a helicopter tour business would use under the same or similar circumstances.

86. Defendant Daniel Friedman breached that duty and was negligent by failing to properly and adequately inspect the subject helicopter and/or component parts, including the tail rotor, causing the helicopter to crash at said location, thereby causing the injuries and damages complained of herein.

87. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of said Defendant, Jonathan Neal Udall died.

THIRD CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT BRENDA HALVORSON– WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

88. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and allegation of the preceding paragraphs.

89. On February 10, 2018, defendant Brenda Halvorson was doing business as defendant Papillon, was responsible for the supervision of and controlled, influenced and governed the activities of defendant Papillon, were employers of Defendants Scott Booth, and/or was otherwise responsible for ensuring the safe and defect free condition of the subject helicopter and/or component parts.

90. Said Defendant had a direct involvement with the subject helicopter.

91. That said Defendant had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent owners/lessors and supervisors of a helicopter tour business would use under the same or similar circumstances.

92. That said Defendant breached that duty and were negligent by, but not limited to, failing to properly and adequately monitor and supervise the conduct and activities of their business and/or related employees and failing to ensure their helicopter was in a safe and defect free condition, causing the aforesaid mechanical failures to occur while the subject helicopter was in flight, causing the helicopter to crash at said location, thereby causing the injuries and damages complained of her

93. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of said defendant, Jonathan Neal Udall died.

94. That said Defendant is vicariously, contractually, statutorily, and/or otherwise liable for the acts of all other defendants, and each of them.

95. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of said Defendant, Jonathan Neal Udall was died.

FOURTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT GEOFFREY EDLUND – WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

96. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

97. On February 10, 2018, defendant Geoffrey Edlund was doing business as defendant Papillon, was responsible for the supervision of and controlled, influenced and governed the activities of defendant Papillon, were employers of Defendants Scott Booth, and/or was otherwise responsible for ensuring the safe and defect free condition of the subject helicopter and/or component parts.

98. Said Defendant had a direct involvement with the subject helicopter.

99. That said Defendant had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent owners/lessors and supervisors of a helicopter tour business would use under the same or similar circumstances.

100. That said Defendant breached that duty and were negligent by, but not limited to,
failing to properly and adequately monitor and supervise the conduct and activities of their
business and/or related employees and failing to ensure their helicopter was in a safe and
defect free condition, causing the aforesaid mechanical failures to occur while the subject
helicopter was in flight, causing the helicopter to crash at said location, thereby causing the
injuries and damages complained of her

101. That as a direct and proximate result of the aforesaid negligence and carelessness on
the part of said defendant, Jonathan Neal Udall died.

102. That said Defendant is vicariously, contractually, statutorily, and/or otherwise liable
for the acts of all other defendants, and each of them.

103. That as a direct and proximate result of the aforesaid negligence and carelessness on
the part of said Defendant, Jonathan Neal Udall was died.

FIFTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT ELLING HALVORSON – WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

104. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

105. On February 10, 2018, defendant Elling Halvorson was doing business as defendant Papillon, was responsible for the supervision of and controlled, influenced and governed the

1 activities of defendant Papillon, were employers of Defendants Scott Booth, and/or was
2 otherwise responsible for ensuring the safe and defect free condition of the subject helicopter
3 and/or component parts.

4 106. Said Defendant had a direct involvement with the subject helicopter.

5 107. That said Defendant had a duty to use the highest degree of care that ordinarily
6 reasonable, careful and prudent owners/lessors and supervisors of a helicopter tour business
7 would use under the same or similar circumstances.

8 108. That said Defendant breached that duty and were negligent by, but not limited to,
9 failing to properly and adequately monitor and supervise the conduct and activities of their
10 business and/or related employees and failing to ensure their helicopter was in a safe and
11 defect free condition, causing the aforesaid mechanical failures to occur while the subject
12 helicopter was in flight, causing the helicopter to crash at said location, thereby causing the
13 injuries and damages complained of her

14 109. That as a direct and proximate result of the aforesaid negligence and carelessness on
15 the part of said defendant, Jonathan Neal Udall died.

16 110. That said Defendant is vicariously, contractually, statutorily, and/or otherwise liable
17 for the acts of all other defendants, and each of them.

18 111. That as a direct and proximate result of the aforesaid negligence and carelessness on
19 the part of said Defendant, Jonathan Neal Udall was died.

SIXTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT JOHN BECKER– WRONGFUL DEATH OF
JONATHAN NEAL UDALL)**

112. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
every allegation of the preceding paragraphs.

113. On February 10, 2018, Defendant John Becker was doing business as defendant
Papillon, was responsible for the supervision of and controlled, influenced and governed the
activities of defendant Papillon, were employers of Defendants Scott Booth, and/or was
otherwise responsible for ensuring the safe and defect free condition of the subject helicopter
and/or component parts.

114. Said Defendant had a direct involvement with the subject helicopter.

115. That said Defendants had a duty to use the highest degree of care that ordinarily
reasonable, careful and prudent owners/lessors and supervisors of a helicopter tour business
would use under the same or similar circumstances.

116. That said Defendant breached that duty and were negligent by, but not limited to,
failing to properly and adequately monitor and supervise the conduct and activities of their
business and/or related employees and failing to ensure their helicopter was in a safe and
defect free condition, causing the aforesaid mechanical failures to occur while the subject
helicopter was in flight, causing the helicopter to crash at said location, thereby causing the
injuries and damages complained of her

117. That as a direct and proximate result of the aforesaid negligence and carelessness on
the part of said defendant, Jonathan Neal Udall died.

118. That said Defendant is vicariously, contractually, statutorily, and/or otherwise liable
for the acts of all other defendants, and each of them.

119. That as a direct and proximate result of the aforesaid negligence and carelessness on
the part of said Defendant, Jonathan Neal Udall was died.

120. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

SEVENTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT PAPILLON – VICARIOUS LIABILITY FOR
SCOTT BOOTH’S FAILURE TO USE ORDINARY CARE IN PILOTING THE
SUBJECT HELICOPTER - WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

121. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

122. Defendant Papillon held itself out as an entity, which could carefully and competently provide and maintain safe helicopter tours which were utilized in the course of its operations.

123. That Defendant Papillon had a duty to use that degree of care that ordinarily careful and prudent operators of a helicopter tour business would use under the same or similar circumstances.

124. Defendant Scott Booth had a duty to use that degree of care that an ordinarily careful and prudent pilot would use under the same or similar circumstances.

125. Defendant Papillon is vicariously liable for any and all actions of Defendant Scott Booth as to his negligent and careless piloting and operation of the subject helicopter by reason of its principal and agent relationship with Defendant Papillon.

126. Scott Booth was negligent in the following respects:

- a. Pilot Scott Booth failed to maintain proper control of the helicopter in-flight;
- b. Pilot Scott Booth failed to properly avoid natural obstacles in the flight path;
- c. Pilot Scott Booth failed keep a safe distance between the helicopter and natural obstacles;
- d. Pilot Scott Booth failed to operate the helicopter in a safe manner;
- e. Pilot Scott Booth failed to perform the proper weather checks prior to the flight; and
- f. Pilot Scott Booth failed to properly respond to an in-flight loss of control.

127. Defendant Papillon's breach of its duty and negligence caused the injuries and damages complained of herein and Plaintiffs' deceased, Jonathan Neal Udall died as a direct result of the conduct of Defendant Scott Booth for which defendant Papillon is vicariously liable in all respects.

128. That said Defendant breached that duty and was negligent by, but not limited to,
failing to properly and adequately monitor and supervise the conduct and activities of their

1 business and/or related employee, causing the helicopter to crash at said location, thereby
2 causing the injuries and damages complained of herein.

3 129. That as a direct and proximate result of the aforesaid negligence and carelessness on
4 the part of said Defendant, Jonathan Neal Udall was died.

5 130. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to
6 such damages as are fair and just for the death and loss thus occasioned, including but not
7 limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral
8 expenses, and the reasonable value of the services, consortium, companionship, comfort,
9 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
10 deprived by reason of such death, further including, loss of probable support, past and future
11 lost income, household services, and other value of benefits which would have been provided
12 by the deceased.

131. Plaintiffs further claim such damages as the decedent suffered between the time of
14 injury and the time of death and for the recovery of which the decedents might have
15 maintained an action had death not ensued including, but not limited to, mental anguish,
16 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
17 further considering the aggravating circumstances attendant upon the fatal injury.

18 **EIGHTH CAUSE OF ACTION**

19 20 **(NEGLIGENCE OF DEFENDANT PAPILLON – FAILURE TO USE
21 ORDINARY CARE IN PROVIDING PROPER AND SAFE AIRCRAFT
22 AND AIRCRAFT SERVICES - WRONGFUL DEATH
23 OF JONATHAN NEAL UDALL)**

24 25 132. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
26 every allegation of the preceding paragraphs.

133. Defendant Papillon held itself out as an entity, which could carefully and competently provide and maintain safe helicopter tours which were utilized in the course of its operations.

134. That Defendant Papillon had a duty to use that degree of care that ordinarily careful and prudent operators of a helicopter tour business would use under the same or similar circumstances.

135. Defendant Papillon had a duty to use that degree of care that an ordinarily careful and prudent company would use under the same or similar circumstances.

136. Defendant Papillon was negligent in its duties as follows:

- a. Defendant Papillon failed to have in place a policy for keeping a safe distance between the helicopter and natural obstacles;
- b. Defendant Papillon failed to provide proper training to its pilots;
- c. Defendant Papillon failed to properly and adequately monitor and supervise the contact and activities of their business and/or employee;
- d. Defendant Papillon failed to have in place a policy and/or verify that weather checks are performed prior to every flight;
- e. Defendant Papillon allowed inexperienced part-time, and/or unqualified pilots to operate their aircraft;
- f. Defendant Papillon failed to equip their helicopters with crash resistant fuel systems to prevent thermal injuries to their passengers in the event of a survivable helicopter crash; and
- g. Defendant Papillon failed to properly maintain the subject aircraft.

137. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of said Defendant, Jonathan Neal Udall died.

138. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

139. Plaintiffs further claim such damages as the decedent suffered between the time of
injury and the time of death and for the recovery of which the decedent might have
maintained an action had death not ensued including, but not limited to, mental anguish,
physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
further considering the aggravating circumstances attendant upon the fatal injury.

NINTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT PAPILLON – CAUSING OR
AUTHORIZING THE OPERATION OF HELICOPTER IN A
CARELESS OR RECKLESS MANNER- WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

140. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

141. Defendant Papillon held itself out as an entity, which could carefully and competently provide and maintain safe helicopter tours which were utilized in the course of its operations.

142. That Defendant Papillon had a duty to use that degree of care that ordinarily careful and prudent operators of a helicopter tour business would use under the same or similar circumstances.

143. Defendant Papillon operated the aircraft in a negligent, careless or reckless manner
to wit, in that:

- a. Defendant Papillon failed to have in place a policy for keeping a safe distance between the helicopter and natural obstacles;
- b. Defendant Papillon failed to provide proper training to its pilots;
- c. Defendant Papillon failed to properly and adequately monitor and supervise the contact and activities of their business and/or employee;
- d. Defendant Papillon failed to have in place a policy and/or verify that weather checks are performed prior to every flight; and
- e. Defendant Papillon allowed inexperienced part-time, and/or unqualified pilots to operate their aircraft.

144. That as a direct and proximate result of the aforesaid negligence and carelessness on
the part of said Defendant, Jonathan Neal Udall died.

145. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral

1 expenses, and the reasonable value of the services, consortium, companionship, comfort,
2 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
3 deprived by reason of such death, further including, loss of probable support, past and future
4 lost income, household services, and other value of benefits which would have been provided
5 by the deceased.

6 146. Plaintiffs further claim such damages as the decedent suffered between the time of
7 injury and the time of death and for the recovery of which the decedent might have
8 maintained an action had death not ensued including, but not limited to, mental anguish,
9 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
10 further considering the aggravating circumstances attendant upon the fatal injury.
11

12 **TENTH CAUSE OF ACTION**
13

14 **(COMMON CARRIER LIABILITY -- FAILURE OF DEFENDANT PAPILLON TO
15 PROVIDE HIGHEST DEGREE OF CARE IN SUPPLYING SAFE AND
16 AIRWORTHY HELICOPTER)**

17 147. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs
18 as though fully set forth hereunder.

19 148. Plaintiffs' deceased, Jonathan Neal Udall was a passenger for hire of a helicopter
20 sightseeing tour service controlled, operated, dispatched, and supervised by Defendant
21 Papillon.

22 149. Defendant Papillon held itself out as an entity which could safely and competently
23 transport persons purchasing helicopter sightseeing tours.
24

150. At all times material hereto, Defendant Papillon was and is a commercial air taxi service carrying passengers who have purchased helicopter sightseeing tours and doing so for hire and for profit as a common carrier.

151. Defendant Papillon had a duty to Plaintiffs' deceased to exercise the highest degree of care and diligence in the operation, management, maintenance, and service of its helicopter tours to be provided to persons within the general public, such as Jonathan Neal Udall and, specifically, the highest degree of care and diligence to provide a safe and airworthy aircraft.

152. Defendant Papillon failed to provide a reasonably safe aircraft for the use and transport of Plaintiffs' deceased thereby breaching its duty to exercise the highest degree of care.

153. Plaintiffs' deceased died as a direct result and proximate result of Defendant Sundance Papillon's failure to exercise the highest degree of care in providing a safe helicopter for their use and transport.

154. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

155. Plaintiffs further claim such damages as the decedent suffered between the time the helicopter malfunctioned and the time of impact with the ground and his death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, apprehension of impending death, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

156. Plaintiffs further claim punitive damages in that the actions and conduct heretofore set out demonstrated a reckless disregard for safety and complete indifference to the safety and rights of others, including Plaintiffs' deceased.

ELEVENTH CAUSE OF ACTION

**(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE BY
DEFENDANT AIRBUS HELICOPTERS, S.A.S.)**

157. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs

158. Defendant Airbus S.A.S., designed, manufactured, assembled, supplied, distributed and/or sold the aforementioned helicopter, referred to as EC 130 84, and//or component parts thereof, including the tail rotor system and fuel tank, in the course of its business.

159. The aforesaid helicopter and/or component parts were defective and, because of the defect, the helicopter was unreasonably dangerous to a person who might reasonably be expected to use, consume or be affected by the helicopter.

160. The aforesaid helicopter and/or component parts used therein relating to the tail rotor system were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses into the stream of commerce.

161. The aforesaid helicopter and/or component parts used therein relating to the fuel tank configuration were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses into the stream of commerce.

162. The aforesaid helicopter was used in a manner reasonably anticipated by this Defendant and others.

163. The helicopter and/or component parts or systems referenced herein were expected to and did reach the user or consumer without substantial change in the condition in which it was sold.

164. The defect in the helicopter caused the Plaintiffs' injuries and damages.

165. The helicopter was defective and dangerous for reasons including, but not limited to, the following:

a. Defendant designed, manufactured, and supplied an unsafe and unreasonably dangerous tail rotor system which is uncontrollable in the event of a failure, especially at low speeds, hover and/or liftoff;

b. Defendant knew that the failure of the tail rotor system renders the helicopter unsafe and uncontrollable;

c. Defendant supplied a pilot operating handbook or flight manual that did not safely and properly address failure of the tail rotor system or proper and safe emergency maneuvers;

d. Defendant failed to provide the pilot of the subject helicopter with proper in-flight warning that the tail rotor system was inoperable or failing;

e. Defendant supplied the subject helicopter without a proper warning system to advise the pilot of an in-flight tail rotor system failure;

1 f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel tank
2 configuration which caused the helicopter to explode and/or burn upon impact; and

3 g. The helicopter was not crashworthy in that the fuel tank as designed and manufactured
4 was incapable of withstanding impact of a minimal to moderate nature.

5 166. That as a direct and proximate result of the aforesaid negligence and carelessness on
6 the part of said Defendant, Jonathan Neal Udall died.

7 167. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to
8 such damages as are fair and just for the death and loss thus occasioned, including but not
9 limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral
10 expenses, and the reasonable value of the services, consortium, companionship, comfort,
11 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
12 deprived by reason of such death, further including, loss of probable support, past and future
13 lost income, household services, and other value of benefits which would have been provided
14 by the deceased.

15 168. Plaintiffs further claim such damages as the decedent suffered between the time of
16 injury and the time of death and for the recovery of which the decedent might have
17 maintained an action had death not ensued including, but not limited to, mental anguish,
18 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
19 further considering the aggravating circumstances attendant upon the fatal injury.

TWELFTH CAUSE OF ACTION

**(STRICT LIABILITY -- FAILURE TO WARN BY DEFENDANT
AIRBUS HELICOPTERS, S.A.S.)**

169. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

170. The helicopter, which crashed and burned on February 10, 2018 was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

171. That at all times pertinent hereto, Defendant Airbus, S.A.S., failed to provide an adequate warning as to the dangers of use of said helicopter, including the tail rotor system and fuel tank, which was then unreasonably dangerous.

172. Defendant failed to adequately warn foreseeable users of the risk of harm from the defective design of the tail rotor system in that a failure of the system would render the helicopter uncontrollable.

173. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from the defective design of the fuel tank configuration in that said system was uncrashworthy allowing the helicopter to explode and/or burn upon any impact,

174. The helicopter was used in a manner reasonably anticipated.

175. Jonathan Neal Udall died as a direct result of the sale, use, operation, and service of the Defendant's helicopter without an adequate warning or direction as to its monitoring, repair replacement servicing hazards and conditions.

176. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not

1 limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral
2 expenses, and the reasonable value of the services, consortium, companionship, comfort,
3 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
4 deprived by reason of such death, further including, loss of probable support, past and future
5 lost income, household services, and other value of benefits which would have been provided
6 by the deceased.
7

8 177. Plaintiffs further claim such damages as the decedent suffered between the time of
9 injury and the time of death and for the recovery of which the decedent might have
10 maintained an action had death not ensued including, but not limited to, mental anguish,
11 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
12 further considering the aggravating circumstances attendant upon the fatal injury.
13

14 **THIRTEENTH CAUSE OF ACTION**

15 **(NEGLIGENCE -- FAILURE OF DEFENDANT AIRBUS HELICOPTERS, S.A.S.,
16 TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE HELICOPTER)**

17 178. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
18 every allegation of the preceding paragraphs.

19 179. Defendant Airbus, S.A.S., designed, manufactured, assembled, supplied, distributed,
20 or sold the aforementioned helicopter and/or related component parts used therein in the
21 course of its business.

22 180. Defendant Airbus, S.A.S., held itself out as an entity that could carefully and
23 competently design, manufacture, select materials for, design maintenance programs for,
24 inspect, supply, distribute and sell helicopters and/or component parts.
25
26
27

1 181. Defendant Airbus, S.A.S., had a duty to use that degree of care that an ordinarily
2 careful and prudent designer, manufacturer, importer, distributor, and seller of helicopters
3 and component parts would use under the same or similar circumstances.

4 182. Defendant Airbus Helicopters, S.A.S., was negligent by failing to exercise
5 reasonable care to prevent the helicopter from creating an unreasonable risk of harm to the
6 person or one who might reasonably be expected to use or be affected by the helicopter while
7 it was being used in the manner the defendant might have reasonably expected.

8 183. Jonathan Neal Udall was one of those persons the Defendant should reasonably have
9 expected to use or be affected by this helicopter.

10 184. The helicopter and related component parts designed, manufactured, and sold by
11 Defendant Airbus, S.A.S., were defective and otherwise flawed, which had the effect of
12 creating a catastrophic failure during flight.

13 185. The aforesaid helicopter and/or component parts used therein relating to the design
14 of the tail rotor system designed, manufactured, and sold by Defendant Airbus, S.A.S., were
15 defective and otherwise flawed, which had the effect of allowing the helicopter to crash after
16 a loss of tail rotor effectiveness.

17 186. The aforesaid helicopter and/or component parts used therein relating to the design
18 of the fuel tank configuration designed, manufactured, and sold by Defendant Airbus, S.A.S.,
19 were defective and otherwise flawed, which had the effect of allowing the helicopter to
20 explode and/or burn upon impact.

187. Defendant Airbus, S.A.S., knew or by using ordinary care should have known of the foreseeable risk of harm caused by such flawed and dangerous condition as was created by its failure to properly design, test, manufacture, sell, monitor, field performance, accumulate field data, recall and distribute safe helicopters and component parts.

188. Defendant Airbus, S.A.S., was further negligent for reasons including, but not limited to, the following:

a. Defendant designed, manufactured, and supplied an unsafe and unreasonably dangerous tail rotor system which is uncontrollable in the event of a failure, especially at low speeds, hover and/or liftoff;

b. Defendant knew that the failure of the tail rotor system renders the helicopter unsafe and uncontrollable;

c. Defendant supplied a pilot operating handbook or flight manual that did not safely and properly address failure of the tail rotor system or proper and safe emergency maneuvers;

d. Defendant failed to provide the pilot of the subject helicopter with proper in-flight warning that the tail rotor system was inoperable or failing;

e. Defendant supplied the subject helicopter without a proper warning system to advise the pilot of an in-flight tail rotor system failure;

f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel tank configuration which caused the helicopter to explode and/or burn upon impact; and

g. The helicopter was not crashworthy in that the fuel tank as designed and manufactured was incapable of withstanding impact of a minimal to moderate nature.

189. As a direct and proximate result of the aforesaid negligence and carelessness on the part of said Defendant, the subject helicopter crashed and burned at the aforesaid location, thereby causing the death of Jonathan Neal Udall complained of herein.

190. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

191. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

FOURTEENTH CAUSE OF ACTION

**(NEGLIGENCE -- FAILURE OF DEFENDANT AIRBUS HELICOPTERS, S.A.S.,
TO WARN OF KNOWN HAZARD)**

192. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

193. The helicopter and component parts, manufactured and sold by Defendant Airbus, S.A.S., were in a defective condition and unreasonably dangerous.

194. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from use of the subject helicopter and component parts, including the tail rotor system and fuel tank, in that said systems contained hazards of such magnitude so as to create massive and instantaneous in-flight failure.

195. Defendant failed to properly and timely report known and suspected defects, malfunctions, and failures including the precise nature and mechanism of the defect, malfunction and failure in the aircraft which is the subject of this lawsuit and thereby breached its duty to repair, replace, recall, inform and warn operators, users, passengers and others of the known and anticipated malfunctions, problems, safety hazards and defects associated with the use and continued use of the helicopter and component parts.

196. Defendant failed to report, warn, instruct, recall, replace, repair, inspect, test, investigate and monitor the safety and related hazards of the subject helicopter and component parts, including the tail rotor system and fuel tank wherein it had an initial and continuing duty and obligation to do so.

197. Defendant failed to issue or issued improper and tardy service bulletins in regard to the helicopter.

198. Defendant Airbus, S.A.S., should have issued or requested issuance of proper Airworthiness Directives.

199. As a direct result of the failure of the Defendant to adequately warn of the risk of harm from the heretofore enumerated defects or hazards, Jonathan Neal Udall died.

200. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not

1 limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral
2 expenses, and the reasonable value of the services, consortium, companionship, comfort,
3 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
4 deprived by reason of such death, further including, loss of probable support, past and future
5 lost income, household services, and other value of benefits which would have been provided
6 by the deceased.
7

8 201. Plaintiffs further claim such damages as the decedent suffered between the time of
9 injury and the time of death and for the recovery of which the decedent might have
10 maintained an action had death not ensued including, but not limited to, mental anguish,
11 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
12 further considering the aggravating circumstances attendant upon the fatal injury.
13

14 **FIFTEENTH CAUSE OF ACTION**

15 **(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE BY
16 DEFENDANT AIRBUS HELICOPTERS, INC.)**

17 202. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
18 every allegation of the preceding paragraphs.

19 203. Defendant Airbus, Inc., designed, manufactured, assembled, supplied, distributed
20 and/or sold the aforementioned helicopter, referred to as an EC 130 B4 Airbus AS350-B3e
21 and/or component parts thereof, including the tail rotor system and fuel tank, in the course of
22 its business.

23 204. The aforesaid helicopter and/or component parts were defective and, because of the
24 defect, the helicopter was unreasonably dangerous to a person who might reasonably be
25 expected to use, consume or be affected by the helicopter.
26

205. The aforesaid helicopter and/or component parts used therein relating to the tail rotor system were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses into the stream of commerce.

206. The aforesaid helicopter and/or component parts used therein relating to the fuel tank configuration were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses into the stream of commerce.

207. The aforesaid helicopter was used in a manner reasonably anticipated by this Defendant and others.

208. The helicopter and/or component parts or systems referenced herein were expected to and did reach the user or consumer without substantial change in the condition in which it was sold.

209. The defect in the helicopter caused of the Plaintiffs' injuries and damages.

210. The helicopter was defective and dangerous for reasons including, but not limited to, the following:

a. Defendant designed, manufactured, and supplied an unsafe and unreasonably dangerous tail rotor system which is uncontrollable in the event of a failure, especially at low speeds, hover and/or liftoff:

b. Defendant knew that the failure of the tail rotor system renders the helicopter unsafe and uncontrollable;

c. Defendant supplied a pilot operating handbook or flight manual that did not safely and properly address failure of the tail rotor system or proper and safe emergency maneuvers;

1 d. Defendant failed to provide the pilot of the subject helicopter with proper in-flight
2 warning that the tail rotor system was inoperable or failing;
3 e. Defendant supplied the subject helicopter without a proper warning system to advise the
4 pilot of an in-flight tail rotor system failure;
5 f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel tank
6 configuration which caused the helicopter to explode and/or burn upon impact; and
7 g. The helicopter was not crashworthy in that the fuel tank as designed and manufactured
8 was incapable of withstanding impact of a minimal to moderate nature.

10 211. That as a direct and proximate result of the aforementioned defective conditions, the
11 subject helicopter crashed and burned thereby causing the death of Jonathan Neal Udall.

12 212. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to
13 such damages as are fair and just for the death and loss thus occasioned, including but not
14 limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral
15 expenses, and the reasonable value of the services, consortium, companionship, comfort,
16 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
17 deprived by reason of such death, further including, loss of probable support, past and future
18 lost income, household services, and other value of benefits which would have been provided
19 by the deceased.

20 Plaintiffs further claim such damages as the decedent suffered between the time of injury and
21 the time of death and for the recovery of which the decedent might have maintained an
22 action had death not ensued including, but not limited to, mental anguish, physical disability,
23

1 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
2 aggravating circumstances attendant upon the fatal injury.

3 **SIXTEENTH CAUSE OF ACTION**

4 **(STRICT LIABILITY -- FAILURE TO WARN BY DEFENDANT**
5 **AIRBUS HELICOPTERS, INC.)**

6 213. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
7 every allegation of the preceding paragraphs.

8 214. The helicopter, which crashed and burned on February 22, 2018, was then
9 unreasonably dangerous when put to a reasonably anticipated use without knowledge of its
10 characteristics.

11 215. That at all times pertinent hereto, Defendant Airbus, Inc., failed to provide an
12 adequate warning as to the danger of use of said helicopter, including the tail rotor system
13 and fuel tank, which was then unreasonably dangerous.

14 216. Defendant failed to adequately warn foreseeable users of the risk of harm from the
15 defective design of the tail rotor system in that a failure of the system would render the
16 helicopter uncontrollable.

17 217. Defendant failed to use ordinary care to adequately warn foreseeable users of the
18 risk of harm from the defective design of the fuel tank configuration in that said system was
19 uncrashworthy allowing the helicopter to explode and/or burn upon any impact.

20 218. The helicopter was used in a manner reasonably anticipated.

21 219. Jonathan Neal Udall died as a direct result of the sale, use, operation, and service of
22 the Defendant's helicopter without an adequate warning or direction as to its monitoring,
23 repair, replacement, servicing, hazards, and conditions.

220. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

221. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

SEVENTEENTH CAUSE OF ACTION

(NEGLIGENCE -- FAILURE OF DEFENDANT AIRBUS HELICOPTERS, INC. TO
USE ORDINARY CARE TO DESIGN AND MANUFACTURE HELICOPTER)

222. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

223. Defendant Airbus, Inc., designed, manufactured, assembled, supplied, distributed, or sold the aforementioned helicopter and/or related component parts used therein in the course of its business.

224. Defendant Airbus, Inc., held itself out as an entity that could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute and sell helicopters.

225. Defendant Airbus, Inc., had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, importer, distributor, and seller of helicopters and component parts would use under the same or similar circumstances.

226. Defendant Airbus, Inc., was negligent by failing to exercise reasonable care to prevent the helicopter from creating an unreasonable risk of harm to the person of one who might reasonably be expected to use or be affected by the helicopter while it was being used in the manner the defendant might have reasonably expected.

227. Jonathan Neal Udell was one of those persons the Defendant should reasonably have expected to use or be affected by this helicopter.

228. The helicopter and related component parts designed, manufactured, and sold by Defendant Airbus, Inc., were defective and otherwise flawed, which had the effect of creating a catastrophic failure during flight.

229. The aforesaid helicopter and/or component parts used therein relating to the design of the tail rotor system designed, manufactured, and sold by Defendant Airbus, Inc., were defective and otherwise flawed, which had the effect of allowing the helicopter to crash after a loss of tail rotor effectiveness.

230. The aforesaid helicopter and/or component parts used therein relating to the design
of the fuel tank configuration designed, manufactured, and sold by Defendant Airbus, Inc.,
were defective and otherwise flawed, which had the effect of allowing the helicopter to
explode and/or burn upon impact.

231. Defendant Airbus, Inc., knew or by using ordinary care should have known of the foreseeable risk of harm caused by such flawed and dangerous condition as was created by its failure to properly design, test, manufacture, sell, monitor, field performance, accumulate field data, recall and distribute safe helicopters.

232. Defendant Airbus, Inc., was further negligent for reasons including, but not limited to, the following:

a. Defendant designed, manufactured, and supplied an unsafe and unreasonably dangerous tail rotor system which is uncontrollable in the event of a failure, especially at low speeds, hover and/or liftoff;

b. Defendant knew that the failure of the tail rotor system renders the helicopter unsafe and uncontrollable;

c. Defendant supplied a pilot operating handbook or flight manual that did not safely and properly address failure of the tail rotor system or proper and safe emergency maneuvers;

d. Defendant failed to provide the pilot of the subject helicopter with proper in-flight warning that the tail rotor system was inoperable or failing;

e. Defendant supplied the subject helicopter without a proper warning system to advise the pilot of an in-flight tail rotor system failure;

1 f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel tank
2 configuration which caused the helicopter to explode and/or burn upon impact; and

3 g. The helicopter was not crashworthy in that the fuel tank as designed and manufactured
4 was incapable of withstanding impact of a minimal to moderate nature.

5 233. As a direct and proximate result of the aforesaid negligence and carelessness on the
6 part of said Defendant, the subject helicopter crashed and burned at the aforesaid location,
7 thereby causing the death of Jonathan Neal Udall complained of herein.

8 234. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to
9 such damages as are fair and just for the death and loss thus occasioned, including but not
10 limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral
11 expenses, and the reasonable value of the services, consortium, companionship, comfort,
12 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
13 deprived by reason of such death, further including, loss of probable support, past and future
14 lost income, household services, and other value of benefits which would have been provided
15 by the deceased.

16 235. Plaintiffs further claim such damages as the decedent suffered between the time of
17 injury and the time of death and for the recovery of which the decedent might have
18 maintained an action had death not ensued including, but not limited to, mental anguish,
19 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
20 further considering the aggravating circumstances attendant upon the fatal injury.

EIGHTEENTH CAUSE OF ACTION

**(NEGLIGENCE -- FAILURE OF DEFENDANT AIRBUS HELICOPTERS, INC.
TO WARN OF KNOWN HAZARD)**

236. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
every allegation of the preceding paragraphs.

237. The helicopter and component parts, manufactured and sold by Defendant Airbus,
Inc., were in a defective condition and unreasonably dangerous.

238. Defendant Airbus, Inc., failed to use ordinary care to adequately warn foreseeable
users of the risk of harm from use of the subject helicopter and component parts, including
the tail rotor system and fuel tank, in that said systems contained hazards of such magnitude
so as to create massive and instantaneous in-flight failure.

239. Defendant had both an original and continuing duty to monitor the airworthiness of
its helicopter used in the course of its business and to make such repair and maintenance
modifications and recommendations and warnings as necessary to assure the reasonable
safety of persons using said helicopter.

240. Defendant failed to properly and timely report known and suspected defects,
malfunctions, and failures including the precise nature and mechanism of the defect,
malfunction and failure in the aircraft which is the subject of this lawsuit and thereby
breached its duty to repair, replace, recall, inform and warn operators, users, passengers and
others of the known and anticipated malfunctions, problems, safety hazards and defects
associated with the use and continued use of the helicopter and component parts.

241. Defendant failed to report, warn, instruct, recall, replace, repair, inspect, test, investigate and monitor the safety and related hazards of the subject helicopter and component parts, including the tail rotor system and fuel tank wherein it had an initial and continuing duty and obligation to do so.

242. Defendant failed to issue or issued improper and tardy service bulletins in regard to the helicopter.

243. Defendant Airbus, Inc., should have issued or requested issuance of proper Airworthiness Directives.

244. As a direct result of the failure of the Defendant to adequately warn of the risk of harm from the heretofore enumerated defects or hazards, Jonathan Neal Udall was killed.

245. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

246. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish,

1 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
2 further considering the aggravating circumstances attendant upon the fatal injury.

3 **NINETEENTH CAUSE OF ACTION**

4 **(NEGLIGENCE OF DEFENDANT XEBEC – FAILURE TO USE
5 ORDINARY CARE IN PROVIDING PROPER AND SAFE AIRCRAFT
6 AND AIRCRAFT SERVICES - WRONGFUL DEATH
7 OF JONATHAN NEAL UDALL)**

8 247. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
every allegation of the preceding paragraphs.

9 248. Defendant XEBEC held itself out as an entity, which could carefully and
10 competently provide and maintain safe helicopter tours which were utilized in the course of
11 its operations.

12 249. That Defendant XEBEC had a duty to use that degree of care that ordinarily careful
13 and prudent owners, supervisors, and operators of a helicopter tour business would use under
14 the same or similar circumstances.

15 250. Defendant XEBEC had a duty to use that degree of care that an ordinarily careful
16 and prudent company would use under the same or similar circumstances.

17 251. Defendant XEBEC was negligent in its duties as follows:

18 a. Defendant XEBEC failed to have in place a policy for keeping a safe distance between
19 the helicopter and natural obstacles;

20 b. Defendant XEBEC failed to provide proper training to its pilots;

21 c. Defendant XEBEC failed to properly and adequately monitor and supervise the contact
22 and activities of their business and/or employee;

1 d. Defendant XEBEC failed to have in place a policy and/or verify that weather checks are
2 performed prior to every flight;
3 e. Defendant XEBEC allowed inexperienced part-time, and/or unqualified pilots to operate
4 their aircraft;
5 f. Defendant XEBEC failed to equip their helicopters with crash resistant fuel systems to
6 prevent thermal injuries to their passengers in the event of a survivable helicopter crash; and
7 g. Defendant XEBEC failed to properly maintain the subject aircraft.

9 252. That as a direct and proximate result of the aforesaid negligence and carelessness on
10 the part of said Defendant, Jonathan Neal Udall was killed.

11 253. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to
12 such damages as are fair and just for the death and loss thus occasioned, including but not
13 limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral
14 expenses, and the reasonable value of the services, consortium, companionship, comfort,
15 society, instruction, guidance, counsel, training, and support of which Plaintiffs have been
16 deprived by reason of such death, further including, loss of probable support, past and future
17 lost income, household services, and other value of benefits which would have been provided
18 by the deceased.

21 254. Plaintiffs further claim such damages as the decedent suffered between the time of
22 injury and the time of death and for the recovery of which the decedent might have
23 maintained an action had death not ensued including, but not limited to, mental anguish,
24 physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
25 further considering the aggravating circumstances attendant upon the fatal injury.

TWENTIETH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT XEBEC – CAUSING OR
AUTHORIZING THE OPERATION OF HELICOPTER IN A
CARELESS OR RECKLESS MANNER- WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

255. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
every allegation of the preceding paragraphs.

256. Defendant XEBEC held itself out as an entity, which could carefully and
competently provide and maintain safe helicopter tours which were utilized in the course of
its operations.

257. That Defendant XEBEC had a duty to use that degree of care that ordinarily careful
and prudent owners, supervisors, and operators of a helicopter tour business would use under
the same or similar circumstances.

258. Defendant XEBEC operated the aircraft in a negligent, careless or reckless manner
to wit, in that:

17 a. Defendant XEBEC failed to have in place a policy for keeping a safe
18 distance between the helicopter and natural obstacles;

19 b. Defendant XEBEC failed to provide proper training to its pilots;

20 c. Defendant XEBEC failed to properly and adequately monitor and supervise the contact
21 and activities of their business and/or employee;

22 and

23 d. Defendant XEBEC failed to have in place a policy and/or verify that weather checks are
24 performed prior to every flight.

259. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of said defendant, Jonathan Neal Udall was killed.

260. By virtue of Jonathan Neal Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

261. Plaintiffs further claim such damages as the decedent suffered between the time of
injury and the time of death and for the recovery of which the decedent might have
maintained an action had death not ensued including, but not limited to, mental anguish,
physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and
further considering the aggravating circumstances attendant upon the fatal injury.

TWENTY-FIRST CAUSE OF ACTION

**(NEGLIGENCE OF SCOTT BOOTH – WRONGFUL DEATH
OF JONATHAN NEAL UDALL)**

262. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs as though fully set forth hereunder.

263. On February 10 2018, Defendant Scott Booth was a licensed pilot employed part-time by Papillon Helicopters.

264. On February 10, 2018, Defendant Scott Booth, in the course and scope of his employment with Papillon, provided pilot and related ground services to the owner and operator of the subject helicopter in which Jonathan Neal Udall was a passenger.

265. Defendant Scott Booth held himself out as a person who could carefully and competently pilot or otherwise provide safe air transportation.

266. Defendant Scott Booth had a duty to use that degree of care that an ordinarily careful and prudent helicopter pilot would use under the same or similar circumstances.

267. Defendant Scott Booth breached that duty and was negligent by failing to maintain the helicopter in flight and to avoid natural obstacles in the flight path, causing the helicopter to crash and burn at said location, thereby causing the injuries and damages complained of herein.

268. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of said Defendant, Jonathan Neal Udall died.

269. Plaintiffs further claim such damages as the decedents may have suffered between the time the helicopter malfunctioned and the time of impact with the ground and death and for the recovery of which the decedents might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, apprehension of impending death, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

TWENTY-SECOND CAUSE OF ACTION

**(PUNITIVE DAMAGES AND DEFENDANTS' SPECIFIC ACTS AND OMISSIONS
DEMONSTRATING CONSCIOUS DISREGARD AND COMPLETE
INDIFFERENCE TO THE SAFETY OF HELICOPTER PASSENGERS)**

270. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs as though fully set forth hereunder.

54. The aforesaid acts and omissions on the part of the Defendants constitute malice, oppression, and a conscious disregard of known safety procedures, practices, and policies, thereby entitling Plaintiffs to punitive damages against Defendants Papillon, Airbus, S.A.S., and Airbus, Inc. in an amount to be proven at trial.

55. Those actions and omissions evidencing Defendants' conscious and knowing disregard of the rights or safety of others include, but are not limited to, the following:

a. Defendant Papillon, through its highest ranking-executives, managers, officers and supervisors engaged in known reckless practices with respect to the operation of its helicopters utilization of its unqualified and inexperienced part-time pilots, and related maintenance practices

b. Defendant Papillon consciously and knowingly permitted a part-time and inexperienced to pilot its helicopters, including the subject helicopter, which it knew was not properly qualified, or properly experienced to pilot that helicopter;

c. Defendant Papillon knowingly and consciously utilized unsafe and dangerous piloting policies and practices with respect to its aircraft fleet including with respect to the subject helicopter;

d. Defendant Papillon knowingly and recklessly authorized flights to be taken in weather conditions which would be dangerous to the passengers on the helicopter;

e. Defendant Papillon knowingly and consciously maintained an unacceptable and reckless policy and procedure for flights during poor weather conditions; and

f. Defendant Papillon, knowingly and recklessly purchased, leased, and/or operated uncrashworthy helicopters in that they knew from previous accidents that the fuel systems would fail upon impact of a survivable crash, and the helicopter would ignite and burn the occupants;

g. Defendant Airbus, S.A.S., through its highest ranking-executives, managers, officers, and supervisors engaged in known reckless practices with respect to the manufacture and design of the tail rotor system in its helicopters:

h. Defendant Airbus, S.A.S. consciously and knowing sold and distributed helicopters with uncrashworthy fuel tanks, including the subject helicopter, which it knew would rupture upon impact in a survivable helicopter crash, therefore burning the passengers of the helicopter;

i. Defendant Airbus, S.A.S. knowingly and consciously failed to provide operators with a crash resistant fuel system retrofit when it knew that the uncrashworthy fuel tank would rupture upon impact of a survivable helicopter crash;

j. Defendant Airbus, S.A.S. knew of the dangers of not equipping helicopters with a crash resistant fuel system yet continued to manufacture and sell helicopters without it;

k. Defendant Airbus, S.A.S. knowingly and recklessly selected and supplied an unsafe and unreasonably dangerous fuel tank configuration for use on the subject helicopter which caused the helicopter to explode and burn upon impact;

I. Defendant Airbus, S.A.S., through its highest ranking-executives, managers, officers, and supervisors engaged in known reckless practices with respect to the manufacture and design of the tail rotor system in its helicopters;

m. Defendant Airbus, S.A.S. consciously and knowingly sold and distributed helicopters with uncrashworthy fuel tanks, including the subject helicopter, which it knew would rupture upon impact in a survivable helicopter crash, therefore burning the passengers of the helicopter;

n. Defendant Airbus, S.A.S. knowingly and consciously failed to provide operators with a crash resistant fuel system retrofit when it knew that the uncrashworthy fuel tank would rupture upon impact of a survivable helicopter crash;

o. Defendant Airbus, S.A.S. knew of the dangers of not equipping helicopters with a crash resistant fuel system yet continued to manufacture and sell helicopters without it:

p. Defendant Airbus, S.A.S. knowingly and recklessly selected and supplied an unsafe and unreasonably dangerous fuel tank configuration for use on the subject helicopter which caused the helicopter to explode and burn upon impact.

56. Defendants had actual knowledge of the high degree of probability and risks of harm yet continued to implement such reckless policies.

57. Defendants knew that there was a substantially enhanced probability of a helicopter crash with resultant passenger deaths as a direct result of its reckless, despicable and indifferent practices.

58. As a direct result of the reckless conduct of Defendants substantial harm occurred in that a helicopter did crash and a passenger on board that helicopter died.

59. Defendants, by clear and convincing evidence, demonstrated that its actions as heretofore described, cumulatively and individually, showed a reckless and complete indifference to the safety of others, notably Plaintiffs' deceased, which would have entitled the Plaintiffs' deceased to punitive damages had they lived.

WHEREFORE Plaintiffs MARY RIGGS, as Personal Representative of the ESTATE OF JONATHAN NEAL UDALL, for the benefit of the ESTATE OF JONATHAN NEAL UDALL, and PHILIP AND MARLENE UDALL as Next of Kin and Natural Parents of JONATHAN NEAL UDALL, deceased, pray judgment against Defendants as follows:

SEVENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

EIGHTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

NINTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and

5. For such other and further relief as the Court may deem just and proper.

ELEVENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TWELFTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

THIRTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

FOURTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

FIFTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

SIXTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$10,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

SEVENTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$10,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorney's fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

EIGHTEENTH CAUSE OF ACTION

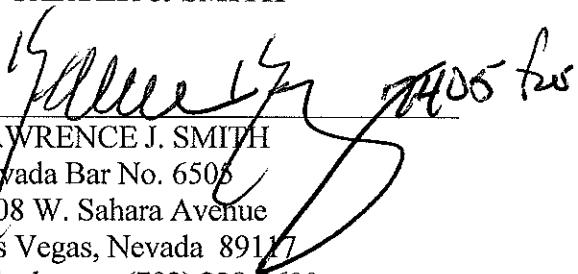
NINETEENTH CAUSE OF ACTION

1 5. For such other and further relief as the Court may deem just and proper.

2 DATED: March 2, 2018

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14 **BERTOLDO BAKER**
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16 By: 

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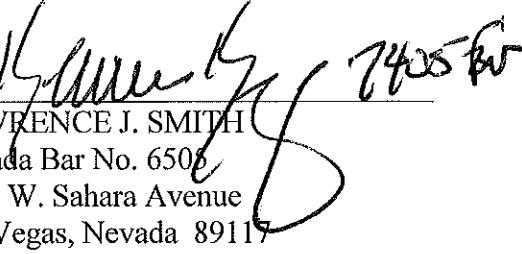
24 Attorneys for Plaintiffs

1 **DEMAND FOR JURY TRIAL**
2

3 Plaintiffs demand trial by jury of the issues herein.
4

5 DATED: March 2, 2018
6

7 **BERTOLDO BAKER**
8 **CARTER & SMITH**
9

10 By: 
11

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9 Attorneys for Plaintiffs

10

11 DISTRICT COURT
 12 CLARK COUNTY, NEVADA

13 MARY RIGGS, as Personal Representative of the
 14 ESTATE OF JONATHAN NEAL UDALL, for
 the benefit of the ESTATE OF JONATHAN
 15 NEAL UDALL, and PHILIP AND MARLENE
 UDALL as Next of Kin and Natural Parents of
 JONATHAN NEAL UDALL, deceased,

16 CASE NO. A-18-770467-C
 DEPT NO.

Department 13

17 Plaintiffs,
 18 vs.
 19 MATTHEW HECKER, a Nevada resident;
 DANIEL FRIEDMAN, a Nevada resident;
 20 BRENDA HALVORSON, a Nevada resident;
 GEOFFREY EDLUND, a Nevada resident;
 ELLING HALVORSON, a Nevada resident;
 JOHN BECKER, a Nevada resident PAPILLON
 AIRWAYS, INC. d/b/a
 21 PAPILLON GRAND CANYON HELICOPTERS,
 an Arizona Corporation; AIRBUS
 22 HELICOPTERS, S.A.S., a French Corporation;
 AIRBUS HELICOPTERS, INC., a Delaware
 23 Corporation; XEBEC LLC, a Washington Limited
 Liability Company; and SCOTT BOOTH, a
 24 California resident,

25

26 Defendants.

27

28 ¹ Pending Pro Hac Vice admission
² Pending Pro Hac Vice admission

1 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for
2 parties appearing in this matter as indicated below:

3 MARY RIGGS, as Personal Representative of
4 The Estate of JONATHAN NEAL UDALL \$270.00
5 PHILIP UDALL 30.00
6 MARLENE UDALL 30.00
7 TOTAL REMITTED: \$330.00

8 DATED: March 2, 2018 BERTOLDO BAKER CARTER & SMITH
9

10 By: *Lawrence J. Smith* 7405-45
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17 Attorneys for Plaintiff(s)

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Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

MARY RIGGS, as Personal Representative of the ESTATE OF JONATHAN NEIL UDALL, for the benefit of the ESTATE OF JONATHAN NEIL UDALL, and PHILIP AND MARLENE UDALL as Next of Kin and Natural Parents of JONATHAN NEIL UDALL, deceased,

CASE NO: A-18-770467-C
DEPT. NO: 13

**FIRST AMENDED COMPLAINT
(HELICOPTER CRASH/
WRONGFUL DEATH)**

ARBITRATION EXEMPTION CLAIMED: EXTRAORDINARY RELIEF

JURY DEMANDED

Plaintiffs,

VS.

MATTHEW HECKER, a Nevada resident;
DANIEL FRIEDMAN, a Nevada resident;
BRENDA HALVORSON, a Nevada resident;
GEOFFREY EDLUND, a Nevada resident;
ELLING B. HALVORSON, a Nevada resident
JOHN BECKER, a Nevada resident;

¹ Pro Hac Vice pending

² Pro Hac Vice pending

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1 ELLING KENT HALVORSON, a Washington
 2 resident; LON A. HALVORSON, a Washington
 3 resident; PAPILLON AIRWAYS, INC. d/b/a
 4 PAPILLON GRAND CANYON HELICOPTERS,
 5 an Arizona Corporation; AIRBUS HELICOPTERS,
 S.A.S., a French Corporation; AIRBUS
 HELICOPTERS, INC., a Delaware Corporation;
 XEBEC LLC, a Washington Limited Liability
 Company; and SCOTT BOOTH, a California
 resident,

6 Defendants.

7
 8 Plaintiffs MARY RIGGS, as Personal Representative of the ESTATE OF JONATHAN
 9 NEIL UDALL, for the benefit of the ESTATE OF JONATHAN NEIL UDALL, and PHILIP AND
 10 MARLENE UDALL as Next of Kin and Natural Parents of JONATHAN NEIL UDALL, deceased,
 11 for their causes of action against the above-captioned Defendants, state and allege as follows:

12 **INTRODUCTION PERTAINING TO ALL COUNTS**

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INTRODUCTION PERTAINING TO ALL CAUSES OF ACTION

PLAINTIFFS

- 22 1. Plaintiff Mary Riggs is a resident of and domiciled in the State of Nevada and is the
23 duly appointed Personal Representative of the Estate of Jonathan Neil Udall, and is entitled to
24 maintain this action.
- 25 2. Plaintiff Philip Udall is a resident of Southampton, UK. Philip Udall is next of kin
26 and the natural father of Jonathan Neil Udall who died on February 22, 2018 after being involved in

1 a helicopter crash which occurred on February 10, 2018 in the Grand Canyon near Peach Springs,
2 Arizona.

3 3. Plaintiff Philip Udall's son, Jonathan Neil Udall, died from the injuries he sustained
4 in the helicopter crash.

5 4. Plaintiff Marlene Udall is a resident of Southampton, UK. Marlene Udall is next of
6 kin and the natural mother of Jonathan Neil Udall who died on February 22, 2018 after being
7 involved in a helicopter crash which occurred on February 10, 2018 in the Grand Canyon near Peach
8 Springs, Arizona.

9 5. Plaintiff Marlene Udall's son, Jonathan Neil Udall, died from the injuries he
10 sustained in the helicopter crash.

11 **DEFENDANTS**

12 **DEFENDANT MATTHEW HECKER**

13 6. Defendant Matthew Hecker is a Nevada resident.

14 7. Defendant Matthew Hecker resides at 4550 Karen Avenue, Apt. 132, Las Vegas,
15 Clark County, Nevada 89121 and can be served at this address.

16 8. Defendant Matthew Hecker was an employee of Defendant Papillon Airways, Inc.
17 d/b/a Papillon Grand Canyon Helicopters at the time of the subject helicopter crash.

18 9. Defendant Matthew Hecker is a Field Stationed Mechanic for Papillon Airways, Inc.,
19 d/b/a Papillon Grand Canyon Helicopters operations at Grand Canyon West providing
20 troubleshooting and repair of Papillon Grand Canyon Helicopters' fleet of helicopters, including the
21 subject EC130 B4.

22 10. The maintenance work performed by Defendant Matthew Hecker on the subject
23 helicopter, including but not limited to the tail rotor system, was performed at the maintenance
24 facilities of Papillon Airways, Inc., d/b/a Papillon Grand Canyon Helicopters in Las Vegas, Clark
25

County, Nevada and/or Boulder City, Clark County, Nevada.

11. Defendant Matthew Hecker was wholly or partially responsible for the mechanical maintenance of the subject helicopter, including but not limited to the tail rotor system, and/or was responsible for the supervision and/or control of other mechanics performing services upon the subject helicopter and/or component parts, including but not limited to the tail rotor system.

12. At all times pertinent hereto, Defendant Matthew Hecker was acting within the scope and course of his agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

13. Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters is vicariously liable for the negligent acts of Defendant Matthew Hecker as alleged herein.

DEFENDANT DANIEL FRIEDMAN

14. Defendant Daniel Friedman is a Nevada resident.

15. Defendant Daniel Friedman resides at 6257 Overhang Avenue, Henderson, Clark County, Nevada 89011 and can be served at that address.

16. Defendant Daniel Friedman was an employee of Defendant Papillon Airways, Inc.
d/b/a Papillon Grand Canyon Helicopters at the time of the subject helicopter crash.

17. Defendant Daniel Friedman is an Airframe and Powerplant (A&P) mechanic with Inspection Authorization (IA) approval for Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters and is responsible for A&P inspections involving the diagnosis, repair, and maintenance of systems for Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including the subject EC130 B4 helicopter.

18. Defendant Daniel Friedman is also an Inspector for Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters. He is responsible for updating status sheets, ensuring all maintenance work is properly signed off, and relaying turn-over reports to management.

19. The maintenance and inspection work performed by Defendant Daniel Friedman on the subject helicopter, including but not limited to the tail rotor system, was performed at the maintenance facilities of Papillon Airways, Inc., d/b/a Papillon Grand Canyon Helicopters in Las Vegas, Clark County, Nevada and/or Boulder City, Clark County, Nevada.

20. Defendant Daniel Friedman was wholly or partially responsible for the inspection and/or mechanical maintenance of the subject helicopter, including but not limited to the tail rotor system, and/or was responsible for the supervision and/or control of other mechanics performing services upon the subject helicopter and/or component parts, including but not limited to the tail rotor system.

21. At all times pertinent hereto, Defendant Daniel Friedman was acting within the course and scope of his agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

22. Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters is vicariously liable for the negligent acts of Defendant Daniel Friedman as alleged herein.

DEFENDANT BRENDA HALVORSON

23. Defendant Brenda Halvorson is a Nevada resident.

24. Defendant Brenda Halvorson can be served at 1265 Airport Road, Boulder City, Clark County, Nevada 89005.

25. Defendant Brenda Halvorson was an employee of Defendant Papillon Airways, Inc.
d/b/a Papillon Grand Canyon Helicopters at the time of the subject helicopter crash.

26. Defendant Brenda Halvorson was an employee of Defendant XEBEC LLC at the time of the subject helicopter crash.

27. Defendant Brenda Halvorson is the Chief Executive Officer and Director for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

1 28. Defendant Brenda Halvorson is an Individual Governor of Defendant XEBEC LLC.

2 29. Defendant Brenda Halvorson conducts regular and routine business transactions in
3 Clark County, Nevada on behalf of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon
4 Helicopters through websites, travel agents, toll-free phone numbers, and advertisements.

5 30. Defendant Brenda Halvorson conducts regular and routine business transactions in
6 Clark County, Nevada on behalf of Defendant XEBEC LLC through websites, travel agents, toll-
7 free phone numbers, and advertisements.

8 31. Defendant Brenda Halvorson established contacts in Clark County, Nevada and
9 affirmatively directed conduct in Clark County, Nevada.

10 32. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
11 responsible for operations oversight for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
12 Helicopters, including but not limited to the selection and purchasing of helicopters and the
13 component parts therein, including the subject EC130 B4 helicopter.

14 33. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
15 responsible for operations oversight for XEBEC LLC, including but not limited to the selection and
16 purchasing of helicopters and the component parts therein, including the subject EC130 B4
17 helicopter.

18 34. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
19 responsible for oversight and/or management of human resources for Papillon Airways, Inc. d/b/a
20 Papillon Grand Canyon Helicopters, including but not limited to setting pilot requirements and
21 qualifications for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

22 35. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
23 responsible for oversight and/or management of human resources for XEBEC LLC, including but
24 not limited to setting pilot requirements and qualifications for pilots employed by Defendant

1 Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

2 36. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
3 responsible for oversight and implementation of emergency readiness procedures for Papillon
4 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

5 37. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
6 responsible for oversight and implementation of emergency readiness procedures for XEBEC LLC.

7 38. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
8 responsible for oversight and implementation of company policies and procedures relating to flight
9 restrictions due to weather conditions for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
10 Helicopters.

11 39. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
12 responsible for oversight and implementation of company policies and procedures relating to flight
13 restrictions due to weather conditions for XEBEC LLC.

14 40. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
15 responsible for oversight of maintenance personnel who perform work on helicopters for Papillon
16 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including maintenance work on the subject
17 EC130 B4 helicopter and component parts.

18 41. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
19 responsible for oversight of maintenance personnel who perform work on helicopters for Defendant
20 XEBEC LLC, including maintenance work on the subject EC130 B4 helicopter and component
21 parts.

22 42. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially
23 responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters owned
24 and/or operated by Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

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43. At all times pertinent hereto, Defendant Brenda Halvorson was wholly or partially responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters owned and/or operated by Defendant XEBEC LLC.

44. At all times pertinent hereto, Defendant Brenda Halvorson was acting within the scope and course of her agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters and that Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters is vicariously liable for the negligent acts of Defendant Brenda Halvorson as alleged herein.

45. At all times pertinent hereto, Defendant Brenda Halvorson was acting within the scope and course of her agency or assignment with Defendant XEBEC LLC and that Defendant XEBEC LLC is vicariously liable for the negligent acts of Defendant Brenda Halvorson as alleged herein.

DEFENDANT GEOFFREY EDLUND

46. Defendant Geoffrey Edlund is a Nevada resident.

47. Defendant Geoffrey Edlund can be served at 1453 Foothills Village Drive, Henderson, Clark County, Nevada 89012.

48. Defendant Geoffrey Edland was an employee of Defendant Papillon Airways, Inc.
d/b/a Papillon Grand Canyon Helicopters at the time of the subject helicopter crash.

49. Defendant Geoffrey Edlund is the President of Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

50. Defendant Geoffrey Edlund conducts regular and routine business transactions in Clark County, Nevada on behalf of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters through websites, travel agents, toll-free phone numbers, and advertisements.

1 51. Defendant Geoffrey Edlund established contacts in Clark County, Nevada and
2 affirmatively directed conduct in Clark County, Nevada.

3 52. At all times pertinent hereto, Defendant Geoffrey Edlund was wholly or partially
4 responsible for operations oversight for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
5 Helicopters, including but not limited to the selection and purchasing of helicopters and the
6 component parts therein, including the subject EC130 B4 helicopter.

7 53. At all times pertinent hereto, Defendant Geoffrey Edlund was wholly or partially
8 responsible for oversight and/or management of human resources for Papillon Airways, Inc. d/b/a
9 Papillon Grand Canyon Helicopters, including but not limited to setting pilot requirements and
10 qualifications for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

11 54. At all times pertinent hereto, Defendant Geoffrey Edlund was wholly or partially
12 responsible for oversight and implementation of emergency readiness procedures for Papillon
13 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

14 55. At all times pertinent hereto, Defendant Geoffrey Edlund was wholly or partially
15 responsible for oversight and implementation of company policies and procedures relating to flight
16 restrictions due to weather conditions for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
17 Helicopters.

18 56. At all times pertinent hereto, Defendant Geoffrey Edlund was wholly or partially
19 responsible for oversight of maintenance personnel who perform work on helicopters for Papillon
20 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including maintenance work on the subject
21 EC130 B4 helicopter and component parts.

22 57. At all times pertinent hereto, Defendant Geoffrey Edlund was wholly or partially
23 responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters owned
24 and/or operated by Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

58. At all times pertinent hereto, Defendant Geoffrey Edlund was acting within the scope and course of his agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters and that Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters is vicariously liable for the negligent acts of Defendant Geoffrey Edlund as alleged herein.

DEFENDANT ELLING B. HALVERSON

59. Defendant Elling B. Halvorson is a Nevada resident.

60. Defendant Elling B. Halvorson can be served at 5 Club Vista, Henderson, Clark County, Nevada 89052.

61. Defendant Elling B. Halvorson was an employee of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters at the time of the subject helicopter crash.

62. Defendant Elling B. Halvorson is the Director of Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

63. Defendant Elling B. Halvorson conducts regular and routine business transactions in Clark County, Nevada on behalf of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters through websites, travel agents, toll-free phone numbers, and advertisements.

64. Defendant Elling B. Halvorson established contacts in Clark County, Nevada and affirmatively directed conduct in Clark County, Nevada.

65. At all times pertinent hereto, Defendant Elling B. Halvorson was wholly or partially responsible for operations oversight for Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including but not limited to the selection and purchasing of helicopters and the component parts therein, including the subject EC130 B4 helicopter.

66. At all times pertinent hereto, Defendant Elling B. Halvorson was wholly or partially responsible for oversight and/or management of human resources for Papillon Airways, Inc. d/b/a

1 Papillon Grand Canyon Helicopters, including but not limited to setting pilot requirements and
2 qualifications for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

3 67. At all times pertinent hereto, Defendant Elling B. Halvorson was wholly or partially
4 responsible for oversight and implementation of emergency readiness procedures for Papillon
5 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

7 68. At all times pertinent hereto, Defendant Elling B. Halvorson was wholly or partially
8 responsible for oversight and implementation of company policies and procedures relating to flight
9 restrictions due to weather conditions for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
0 Helicopters.

1 69. At all times pertinent hereto, Defendant Elling B. Halvorson was wholly or partially
2 responsible for oversight of maintenance personnel who perform work on helicopters for Papillon
3 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including maintenance work on the subject
4 EC130 B4 helicopter and component parts.
5

6 70. At all times pertinent hereto, Defendant Elling B. Halvorson was wholly or partially
7 responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters owned
8 and/or operated by Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

9 71. At all times pertinent hereto, Defendant Elling B. Halvorson was acting within the
10 scope and course of his agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon
11 Grand Canyon Helicopters and that Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon
12 Helicopters is vicariously liable for the negligent acts of Defendant Elling B. Halvorson as alleged
13 herein.
14

DEFENDANT JOHN BECKER

72. Defendant John Becker is a Nevada resident.

73. Defendant John Becker can be served at 1265 Airport Road, Boulder City, Clark

1 County, Nevada 89005.

2 74. Defendant John Becker was an employee of Defendant Papillon Airways, Inc. d/b/a
3 Papillon Grand Canyon Helicopters at the time of the subject helicopter crash.

4 75. Defendant John Becker is the Chief Operating Officer and Director of Operations of
5 Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

6 76. Defendant John Becker conducts regular and routine business transactions in Clark
7 County, Nevada on behalf of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon
8 Helicopters through websites, travel agents, toll-free phone numbers, and advertisements.

9 77. Defendant John Becker established contacts in Clark County, Nevada and
10 affirmatively directed conduct in Clark County, Nevada.

11 78. At all times pertinent hereto, Defendant John Becker was wholly or partially
12 responsible for operations oversight for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
13 Helicopters, including but not limited to the selection and purchasing of helicopters and the
14 component parts therein, including the subject EC130 B4 helicopter.

15 79. At all times pertinent hereto, Defendant John Becker was wholly or partially
16 responsible for oversight and/or management of human resources for Papillon Airways, Inc. d/b/a
17 Papillon Grand Canyon Helicopters, including but not limited to setting pilot requirements and
18 qualifications for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

19 80. At all times pertinent hereto, Defendant John Becker was wholly or partially
20 responsible for oversight and implementation of emergency readiness procedures for Papillon
21 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

22 81. At all times pertinent hereto, Defendant John Becker was wholly or partially
23 responsible for oversight and implementation of company policies and procedures relating to flight
24 restrictions due to weather conditions for Papillon Airways, Inc. d/b/a Papillon Grand Canyon

Helicopters.

82. At all times pertinent hereto, Defendant John Becker was wholly or partially responsible for oversight of maintenance personnel who perform work on helicopters for Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including maintenance work on the subject EC130 B4 helicopter and component parts.

83. At all times pertinent hereto, Defendant John Becker was wholly or partially responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters owned and/or operated by Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

84. At all times pertinent hereto, Defendant John Becker was acting within the scope and course of his agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters and that Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters is vicariously liable for the negligent acts of Defendant John Becker as alleged herein.

DEFENDANT ELLING KENT HALVORSON

85. Defendant Elling Kent Halvorson is a Washington resident.

86. Defendant Elling Kent Halvorson can be served at 12515 Willows Road, NE, Suite 200, Kirkland, Washington 98034.

87. Defendant Elling Kent Halvorson was an employee of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters at the time of the subject helicopter crash.

88. Defendant Elling Kent Halvorson is the Vice President and Director for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

89. Defendant Elling B. Halvorson conducts regular and routine business transactions in Clark County, Nevada on behalf of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters through websites, travel agents, toll-free phone numbers, and advertisements.

90. Defendant Elling Kent Halvorson established contacts in Clark County, Nevada and

1 affirmatively directed conduct in Clark County, Nevada.

2 91. At all times pertinent hereto, Defendant Elling Kent Halvorson was wholly or
3 partially responsible for operations oversight for Papillon Airways, Inc. d/b/a Papillon Grand
4 Canyon Helicopters, including but not limited to the selection and purchasing of helicopters and the
5 component parts therein, including the subject EC130 B4 helicopter.

6 92. At all times pertinent hereto, Defendant Elling Kent Halvorson was wholly or
7 partially responsible for oversight and/or management of human resources for Papillon Airways, Inc.
8 d/b/a Papillon Grand Canyon Helicopters, including but not limited to setting pilot requirements and
9 qualifications for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

10 93. At all times pertinent hereto, Defendant Elling Kent Halvorson was wholly or
11 partially responsible for oversight and implementation of emergency readiness procedures for
12 Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

13 94. At all times pertinent hereto, Defendant Elling Kent Halvorson was wholly or
14 partially responsible for oversight and implementation of company policies and procedures relating
15 to flight restrictions due to weather conditions for Papillon Airways, Inc. d/b/a Papillon Grand
16 Canyon Helicopters.

17 95. At all times pertinent hereto, Defendant Elling Kent Halvorson was wholly or
18 partially responsible for oversight of maintenance personnel who perform work on helicopters for
19 Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including maintenance work on the
20 subject EC130 B4 helicopter and component parts.

21 96. At all times pertinent hereto, Defendant Elling Kent Halvorson was wholly or
22 partially responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters
23 owned and/or operated by Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon
24 Helicopters.

97. At all times pertinent hereto, Defendant Elling Kent Halvorson was acting within the scope and course of his agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters and that Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters is vicariously liable for the negligent acts of Defendant Elling Kent Halvorson as alleged herein.

DEFENDANT LON A. HALVORSON

98. Defendant Lon A. Halvorson is a Washington resident.

99. Defendant Lon A. Halvorson can be served at 12515 Willows Road, NE, Suite 200, Kirkland, Washington 98034.

100. Defendant Lon A. Halvorson was an employee of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters and XEBEC LLC at the time of the subject helicopter crash.

101. Defendant Lon A. Halvorson is the Vice President and Director for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

102 Defendant Lon A. Halvorson is an Individual Governor of Defendant XEBEC LLC.

103. Defendant Lon A. Halvorson conducts regular and routine business transactions in Clark County, Nevada on behalf of Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters through websites, travel agents, toll-free phone numbers, and advertisements.

104. Defendant Lon A. Halvorson conducts regular and routine business transactions in Clark County, Nevada on behalf of Defendant XEBEC LLC through websites, travel agents, toll-free phone numbers, and advertisements.

105. Defendant Lon A. Halvorson established contacts in Clark County, Nevada and affirmatively directed conduct in Clark County, Nevada.

106. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially

1 responsible for operations oversight for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
2 Helicopters, including but not limited to the selection and purchasing of helicopters and the
3 component parts therein, including the subject EC130 B4 helicopter.

4 107. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
5 responsible for operations oversight for XEBEC LLC, including but not limited to the selection and
6 purchasing of helicopters and the component parts therein, including the subject EC130 B4
7 helicopter.

8 108. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
9 responsible for oversight and/or management of human resources for Papillon Airways, Inc. d/b/a
10 Papillon Grand Canyon Helicopters, including but not limited to setting pilot requirements and
11 qualifications for Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

12 109. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
13 responsible for oversight and/or management of human resources for XEBEC LLC, including but
14 not limited to setting pilot requirements and qualifications for pilots employed by Defendant
15 Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

16 110. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
17 responsible for oversight and implementation of emergency readiness procedures for Papillon
18 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

19 111. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
20 responsible for oversight and implementation of emergency readiness procedures for XEBEC LLC.

21 112. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
22 responsible for oversight and implementation of company policies and procedures relating to flight
23 restrictions due to weather conditions for Papillon Airways, Inc. d/b/a Papillon Grand Canyon
24 Helicopters.

1 113. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
2 responsible for oversight and implementation of company policies and procedures relating to flight
3 restrictions due to weather conditions for XEBEC LLC.

4 114. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
5 responsible for oversight of maintenance personnel who perform work on helicopters for Papillon
6 Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, including maintenance work on the subject
7 EC130 B4 helicopter and component parts.

8 115. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
9 responsible for oversight of maintenance personnel who perform work on helicopters for Defendant
10 XEBEC LLC, including maintenance work on the subject EC130 B4 helicopter and component
11 parts.

12 116. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
13 responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters owned
14 and/or operated by Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters.

15 117. At all times pertinent hereto, Defendant Lon A. Halvorson was wholly or partially
16 responsible for ensuring the safety of all passengers riding in sightseeing tour helicopters owned
17 and/or operated by Defendant XEBEC LLC.

18 118. At all times pertinent hereto, Defendant Lon A. Halvorson was acting within the
19 scope and course of his agency or assignment with Defendant Papillon Airways, Inc. d/b/a Papillon
20 Grand Canyon Helicopters and that Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon
21 Helicopters is vicariously liable for the negligent acts of Defendant Lon A. Halvorson as alleged
22 herein.

23 119. At all times pertinent hereto, Defendant Lon A. Halvorson was acting within the
24 scope and course of his agency or assignment with Defendant XEBEC LLC and that Defendant
25

1 XEBEC LLC is vicariously liable for the negligent acts of Defendant Lon A. Halvorson as alleged
2 herein.

**DEFENDANT PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON HELICOPTERS**

5 120. Defendant Papillon Airways, Inc., d/b/a Papillon Grand Canyon Helicopters
6 (hereinafter referred to as “Defendant Papillon”) is an Arizona corporation doing business in the
7 State of Nevada.

8 121. Defendant Papillon maintains a Nevada Registered Agent and may be served through
9 its Registered Agent, The Corporation Trust Company of Nevada, 701 S. Carson Street, Suite 200,
0 Carson City, Nevada 89701.

2 122. Defendant Papillon's principle place of business and corporate headquarters is
3 located at 3900 Paradise Road, Las Vegas, Clark County, Nevada.

4 123. Defendant Papillon regularly conducts its daily business activities in Clark County,
5 Nevada.

124. Defendant Papillon maintains its main helicopter sightseeing tour offices at 3900
Paradise Road, Las Vegas, Clark County, Nevada and at 1265 Airport Road, Boulder City, Clark
County, Nevada.

20 125. Defendant Papillon employs its pilots and mechanics in its Nevada offices located at
21 3900 Paradise Road, Las Vegas, Clark County, Nevada and at 1265 Airport Road, Boulder City,
22 Clark County, Nevada

126. Defendant Papillon's helicopter sightseeing tour income is generated through its
offices in Las Vegas, Clark County, Nevada and in Boulder City, Clark County, Nevada.

1 128. Defendant Papillon's business activities and transactions in the State of Nevada,
2 County of Clark, are continuous and substantial.

3 129. Defendant Papillon established contacts in Clark County, Nevada and affirmatively
4 directed conduct in Clark County, Nevada.

6 130. Defendant Papillon is engaged in the business of selecting, purchasing, operating,
7 maintaining, servicing and distributing helicopters for uses including, but not limited to, sightseeing
8 tour activities.

9 131. At all times material hereto, Defendant Papillon selected, purchased, operated,
0 maintained, serviced, and distributed sightseeing tour helicopters, in particular the subject EC130 B4
1 helicopter, throughout these United States, including the State of Nevada, to be used by a
2 foreseeable class of persons, consisting of those persons who may be passengers on sightseeing tour
3 helicopters, of which Jonathan Neil Udall was a member.

5 132. The claims for damages herein arise from purposeful contact and/or conduct in the
6 State of Nevada, County of Clark.

7 133. At all times material hereto, Defendant Papillon was acting by and through its agents,
8 servants, and/or employees, each of whom were acting in the course and scope of their employment
9 with Defendant Papillon.

DEFENDANT AIRBUS HELICOPTERS, S.A.S.

2 134. Defendant Airbus Helicopters, S.A.S., (hereinafter referred to as "Defendant Airbus,
3 S.A.S.") is a French corporation doing business in the State of Nevada.

4 135. Defendant Airbus, S.A.S. is the foreign counterpart of Defendant Airbus Helicopters,
5 Inc., with its headquarters and principal place of business located at Aeroport International,
6 Marseille Provence, 13725 Marignane – Cedex – France.

136. Defendant Airbus S.A.S. may be served pursuant to the Hague Convention by private

1 process server in that both the United States and France are signatory parties to the Hague
2 Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial
3 Matters, **20. U.S.T. 361; 658 U.N.T.S. 163.**

4 137. Defendant Airbus, S.A.S. is liable in all respects as it is the successor corporation of
5 Eurocopter, S.A.S., which was the original manufacturer of the subject EC130 B4 helicopter,
6 component parts, and systems and there was and continues to be an express and/or implied
7 agreement between Defendant Airbus, S.A.S. and Eurocopter, S.A.S. to assume all of its post-sale
8 liabilities and obligations.

9 10 138. Plaintiffs herein have no remedy against the predecessor corporation, Eurocopter,
11 S.A.S. due to its reorganization.

12 139. Defendant Airbus, S.A.S. is engaged in the design, manufacture, testing, inspection,
14 assembly, labeling, advertising, sale, promotion, and/or distribution of helicopters for ultimate sale
15 and/or use in the State of Nevada.

16 140. At all times material hereto, Defendant Airbus, S.A.S. has sold, delivered, and/or
17 distributed such products, in particular the subject EC130 B4 helicopter, for ultimate sale and/or use
18 in the forty-eight (48) continental states of these United States of America, including the State of
19 Nevada, to be used by a foreseeable class of persons, consisting of those persons who may be
20 passengers on sightseeing tour helicopters, of which Jonathan Neil Udall was a member.

21 141. At all times material hereto, Defendant Airbus, S.A.S. operated in Nevada by and
22 through its various employees and agents.

23 24 142. At all times material hereto, Defendant Airbus, S.A.S. was acting by and through its
25 agents, servants and/or employees, each of whom were acting within the course and scope of their
26 employment with Defendant Airbus, S.A.S.

DEFENDANT AIRBUS HELICOPTERS, INC.

143. Defendant Airbus Helicopters, Inc., (hereinafter referred to as Defendant Airbus, Inc.) is a Delaware Corporation doing business in the State of Nevada

144. Defendant Airbus, Inc. may be served through its Registered Agent, National
Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904.

145. Defendant Airbus, Inc. is liable in all respects as it is the successor corporation of American Eurocopter which was the original manufacturer of the subject EC130 B4 helicopter, component parts, and systems and there was and continues to be an express and/or implied agreement between Defendant Airbus, Inc. and American Eurocopter to assume all of its post-sale liabilities and obligations.

146. Plaintiffs herein have no remedy against the predecessor corporation, American Eurocopter, due to its reorganization.

147. Defendant Airbus, Inc. is engaged in the design, manufacture, testing, inspection, assembly, labeling, advertising, sale, promotion, and/or distribution of helicopters for ultimate sale and/or use in the State of Nevada.

148. At all times material hereto, Defendant Airbus, Inc. has sold, delivered, and/or distributed such products, in particular the subject EC130 B4 helicopter, for ultimate sale and/or use in the forty-eight (48) continental states of these United States of America, including the State of Nevada, to be used by a foreseeable class of persons, consisting of those persons who may be passengers on sightseeing tour helicopters, of which Jonathan Neil Udall was a member.

149. At all times material hereto, Defendant Airbus, Inc. operated in Nevada by and through its various employees and agents.

150. At all times material hereto, Defendant Airbus, Inc. was acting by and through its agents, servants and/or employees, each of whom were acting within the course and scope of their

1 employment with Defendant Airbus, Inc.

2 **DEFENDANT XEBEC LLC**

3 151. Defendant XEBEC LLC (hereinafter referred to as "Defendant XEBEC") is a
4 Washington Limited Liability Company doing business in the State of Nevada.

5 152. Defendant XEBEC may be served through its Registered Agent, Lynn O. Hurst, 701
6 5th Avenue, Suite 5500, Seattle, Washington 98104.

7 153. Defendant XEBEC is engaged in the business of selecting, purchasing, owning,
8 distributing, and/or leasing helicopters for uses including, but not limited to, sightseeing tour
9 activities in the State of Nevada, County of Clark.

10 154. Defendant XEBEC's business activities and transactions in the State of Nevada,
11 County of Clark, are continuous and substantial.

12 155. Defendant XEBEC established contacts in Clark County, Nevada and affirmatively
13 directed conduct in Clark County, Nevada.

14 156. At all times material hereto, Defendant XEBEC selected, purchased, owned,
15 distributed, and/or leased sightseeing tour helicopters, in particular the subject EC130 B4 helicopter,
16 throughout these United States, including the State of Nevada, to be used by a foreseeable class of
17 persons, consisting of those persons who may be passengers on sightseeing tour helicopters, of
18 which Jonathan Neil Udall was a member.

19 157. At all times material hereto, Defendant XEBEC was acting by and through its agents,
20 servants, and/or employees, each of whom were acting in the course and scope of their employment
21 with Defendant XEBEC.

DEFENDANT SCOTT BOOTH

158. Defendant Scott Booth is a resident of the State of California.

159. Defendant Scott Booth is employed by Defendant Papillon as a part-time helicopter pilot and works out of their offices in Clark County, Nevada.

160. Defendant Scott Booth may be served at 770 Santiago Avenue, Long Beach, California 90804.

161. At all times material hereto, Defendant Scott Booth was an agent or employee of Defendant Papillon, and at all times herein mentioned was acting within the scope and course of his agency or assignment with Defendant Papillon.

162. Defendant Papillon is vicariously liable for the negligent acts of Defendant Scott Booth as alleged.

IDENTIFICATION OF AIRCRAFT AND PARTS

163. The helicopter was designed, manufactured, assembled, distributed, and sold by Airbus, S.A.S. (formerly Eurocopter, S.A.S.) and Airbus, Inc. (formerly American Eurocopter) for use as a sightseeing tour helicopter.

164. The subject helicopter was selected, purchased, and owned by Defendant XEBEC.

165. The subject helicopter was selected, purchased, distributed, operated, maintained, and serviced by Defendant Papillon and was used in the course of a helicopter sightseeing tour business known as Papillon Grand Canyon Helicopters.

166. At all times pertinent hereto, the subject EC130 B4 helicopter was being operated by Defendant Papillon, located at 1265 Airport Road, Boulder City, Clark County, Nevada.

167. The subject helicopter was being piloted by Defendant Scott Booth, an employee of Papillon Airway s. Inc. d/b/a Papillon Grand Canyon Helicopters.

JURISDICTION

168. Defendants Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Airbus
Helicopters, S.A.S., Airbus Helicopters, Inc., and XEBEC LLC had a reasonable expectation that
they would be hailed into any Court within these United States, including a Court in the State of
Nevada, by reason of its injecting its products and services into a stream of commerce.

169. Defendants Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Airbus
Helicopters, S.A.S., Airbus Helicopters, Inc., and XEBEC LLC transacted, and continue to transact,
business in the State of Nevada.

170. Defendants Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Airbus
Helicopters, S.A.S., Airbus Helicopters, Inc., and XEBEC LLC manufacture, produce, make,
market, and/or supply directly and indirectly their products for distribution, sale, or use in the State
of Nevada.

171. Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters' Nevada
State activities are so substantial or continuous and systematic that it is considered present in the
State of Nevada and thus subject to this lawsuit in the State of Nevada.

172. Defendant Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters
purposefully entered the State of Nevada's market and/or established contacts in the State of Nevada
and affirmatively directs contact in the State of Nevada and the claims herein arise from that
purposeful contact and/or conduct.

173. Defendant Airbus Helicopters, S.A.S.'s Nevada State activities are so substantial or
continuous and systematic that it is considered present in the State of Nevada and thus subject to this
lawsuit in the State of Nevada.

174. Defendant Airbus Helicopters, S.A.S. purposefully entered the State of Nevada's market and/or established contacts in the State of Nevada and affirmatively directs contact in the State of Nevada and the claims herein arise from that purposeful contact and/or conduct.

175. Defendant Airbus Helicopters, S.A.S. exercises extensive control over Airbus Helicopters, Inc.'s operations on a day-to-day basis including, but not limited to:

- a. Airbus Helicopters, Inc. acts as the agent on behalf of Airbus Helicopters, S.A.S. throughout the North American region, including in and for the State of Nevada;
- b. Airbus Helicopters, Inc. as the wholly owned subsidiary of the parent corporation, Airbus Helicopters, S.A.S. sells helicopters for and on behalf of the parent company and further provides aftermarket support, training and services for all of the parent company's helicopters;
- c. Airbus Helicopters, Inc. reports regularly to Airbus Helicopters, S.A.S. with which it has interlocking directors and represents itself to the public as a representative or agent of Airbus Helicopters, S.A.S.;
- d. Airbus Helicopters, S.A.S. has full and total control over all technical, engineering and operational matters associated with Airbus Helicopters, Inc.; and
- e. Airbus Helicopters, Inc. is the U.S. representative for Airbus Helicopters, S.A.S. and is totally responsible for the promotion and sale of Airbus helicopters on American soil.

176. Defendant Airbus Helicopters, Inc.'s Nevada State activities are so substantial or continuous and systematic that it is considered present in the State of Nevada and thus subject to this lawsuit in the State of Nevada.

1 177. Defendant Airbus Helicopters, Inc. purposefully entered the State of Nevada's market
2 and/or established contacts in the State of Nevada and affirmatively directs contact in the State of
3 Nevada and the claims herein arise from that purposeful contact and/or conduct.

4 178. The Airbus Helicopters Defendants for a period of many years have purposely
5 availed themselves within the State of Nevada having conducted extensive business activities within
6 the State of Nevada whereby numerous representatives of both Airbus Helicopters entities have
7 attended a number of professional fora, including the Helicopter Association International (HAI)
8 Annual Conventions held in Las Vegas intermittently since March 2000 and said Airbus Helicopters
9 Defendants have attended numerous face to face meetings with Nevada customers in connection
10 with the training, maintenance and support services that the Airbus Helicopters Defendants offer to
11 Nevada customers for both new and used Airbus Helicopters. Such purposeful availment resulting
12 in and generating millions of dollars to the Airbus Helicopters Defendants for sale and support of
13 Airbus Helicopters and parts to Nevada customers all with the goal of personally availing
14 themselves of the lawful privilege of doing business within the State of Nevada which has the
15 countervailing consequences of being held accountable for conduct and being subject to jurisdiction
16 within the State of Nevada.

17 179. The activities of the Airbus Helicopters Defendants are so pervasive within the State
18 of Nevada that they establish these Defendants' continuous and systematic presence in Nevada in
19 that Defendants repeatedly and continuously interface with customers in the same manner and extent
20 as would ordinarily be performed by local businesses with physical offices within the State of
21 Nevada.

22 180. There exists a direct and substantial relationship as between the commercial and
23 business activities of the Airbus Helicopters Defendants undertaken in the State of Nevada and the
24 injuries suffered by Plaintiffs in the subject helicopter crash in that said Defendants went to great
25

1 lengths to develop a Nevada market for their scenic helicopter tours and it was the crash of one such
2 helicopter that gave rise to Plaintiffs' damages and injuries in that Defendant Papillon would never
3 have been in a position to operate the subject helicopter on the fateful day "but for" the Airbus
4 Helicopters Defendants' extensive, continuous and systematic commercial and business activities
5 within the State of Nevada.

6 181. For all of the named Defendants, including the Airbus Helicopters Defendants, it is
7 entirely reasonable and proper to be hailed before the District Court for Clark County, Nevada in
8 that said Defendants sought to develop an extensive helicopter market in Nevada for their
9 helicopters for many years prior to the crash of the subject helicopter and have increasingly
10 magnified their efforts at sales, marketing and support services within the State of Nevada and,
11 particularly, Clark County, in that Nevada will be the most efficient, convenient and interested
12 forum for resolution of this dispute.

13 182. Defendant XEBEC LLC's Nevada State activities are so substantial or continuous
14 and systematic that it is considered present in the State of Nevada and thus subject to this lawsuit in
15 the State of Nevada.

16 183. Defendant XEBEC LLC purposefully entered the State of Nevada's market and/or
17 established contacts in the State of Nevada and affirmatively directs contact in the State of Nevada
18 and the claims herein arise from that purposeful contact and/or conduct.

19 184. Defendant Scott Booth accepted employment in Clark County, Nevada thereby
20 purposefully establishing contacts in the State of Nevada and affirmatively directing conduct in the
21 State of Nevada where the claims herein arise from that purposeful contact and/or conduct.

22 185. Defendants and each of them could reasonably have foreseen litigation involving
23 helicopters within the State of Nevada in that Defendants, and each of them, knew that these
24 helicopters were being used in the State of Nevada and the Grand Canyon vicinity for sightseeing

purposes and Defendants, and each of them, extended great effort to develop and cultivate a Nevada market for use of helicopters in that manner and, specifically, the Airbus Helicopters Defendants deliberately tracked, monitored, serviced and supported these Papillon helicopters within the State of Nevada, and, specifically with respect to the helicopter at issue in the months and years immediately preceding the crash, and, further, Defendants and each of them could have and did reasonably expect that the subject helicopter would be utilized in the manner anticipated within the State of Nevada and purposefully conducted extensive business activities in support of the use of the subject helicopter in a manner reasonably anticipated.

186. It does not offend "traditional notions of fair play and substantial justice" to require these Defendants to defend themselves in this forum. The contacts, ties and relations of Defendants, and each of them, are sufficient to the exercise of personal jurisdiction within the Courts of the State of Nevada. Defendants Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Airbus Helicopters, S.A.S., Airbus Helicopters, Inc., and XEBEC LLC are engaged in a persistent course of conduct such that subjecting it to jurisdiction within the State of Nevada is lawful, appropriate, and fair.

VENUE

187. Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund,
Elling B. Halvorson, and John Becker are residents of Nevada.

188. Defendant Papillon's principle place of business and corporate headquarters is located in Clark County, Nevada.

189. Defendant Papillon regularly conducts its regular and routine business activities in Clark County, Nevada through:

- a. Its physical locations at 275 E. Tropicana Avenue, Las Vegas, Clark County, Nevada, 3900 Paradise Road, Las Vegas, Nevada, and 126 Airport Road, Boulder City, Clark County, Nevada;
- b. Its website at www.papillon.com;
- c. Its social media accounts wherein it advises customers that its location is 1265 Airport Road, Boulder City, Nevada 89005;
- d. Its Corporate Sales and Marketing which is in Las Vegas, Nevada;
- e. Its Corporate Accounting which is in Las Vegas, Nevada; and
- f. Its Reservations Department which is contacted at 702-736-7243.

190. Defendant Papillon maintains its main helicopter sightseeing tour offices at 3900 Paradise Road, Las Vegas, Clark County, Nevada and at 1265 Airport Road, Boulder City, Clark County, Nevada.

191. Defendant Papillon employees it pilots and mechanics in its Nevada offices located at
3900 Paradise Road, Las Vegas, Clark County, Nevada and at 1265 Airport Road, Boulder City,
Clark County, Nevada.

192. Defendant Papillon's helicopter sightseeing tour income is generated through its offices in Las Vegas, Clark County, Nevada and in Boulder City, Clark County, Nevada.

193. Defendant Papillon supplies its helicopter sightseeing tours in Las Vegas, Clark County, Nevada and in Boulder City, Clark County, Nevada.

194. Defendant Papillon markets its helicopter sightseeing tours in Las Vegas, Clark County, Nevada and in Boulder City, Clark County, Nevada through numerous social media outlets including:

- a. Facebook;
- b. Instagram; and

1 c. Twitter.

2 195. Defendant Papillon's business activities and transactions in the State of Nevada,
3 County of Clark, are continuous and substantial.

4 196. Defendant Papillon established contacts in Clark County, Nevada and affirmatively
5 directed conduct in Clark County, Nevada.

6 197. The claims for damages herein arise from purposeful contact and/or conduct in the
7 State of Nevada, County of Clark in that:

8 a. The helicopter was maintained in Clark County, Nevada;
9 b. The pilots were trained in Clark County, Nevada; and
10 c. The mechanics were trained in Clark County, Nevada.

11 198. Defendant Papillon maintains places of business and conducts regular and routine
12 business activities in Clark County in that:

13 a. Defendant Papillon employs pilots routinely located in Clark County, Nevada
14 for the purpose of undertaking helicopter sightseeing tours in Clark County,
15 Nevada;
16 b. Defendant Papillon has helicopters stationed at locations in Clark County,
17 Nevada;
18 c. Defendant Papillon owns and operates offices and equipment for its
19 helicopters and pilots in Clark County, Nevada for the purpose of undertaking
20 helicopter sightseeing tours in Clark County, Nevada;
21 d. Defendant Papillon's Corporate Sales and Marketing Department for all
22 operations is in Las Vegas, Clark County, Nevada;
23 e. Defendant Papillon's Corporate Accounting Department for all operations is
24 in Las Vegas, Clark County, Nevada; and
25
26

1 f. Defendant Papillon's Reservations Department for all operations is in Las
2 Vegas, Clark County, Nevada.

3 199. Numerous witnesses with personal knowledge of facts related to the subject
4 helicopter crash reside in Clark County, Nevada.

5 200. Numerous witnesses with personal knowledge of Defendant Papillon's operations,
6 the subject helicopter, its dispatch procedures, and its pilots, particularly those with knowledge of
7 the piloting capabilities of pilot Scott Booth, reside in Clark County, Nevada.
8

9 **GENERAL ALLEGATIONS**

10 201. On or about February 10, 2018, Jonathan Neil Udall was a passenger in a 2010
11 Airbus EC130 B4 helicopter on a sightseeing tour of the Grand Canyon.

12 202. The helicopter, operated and maintained by Defendant Papillon, owned and leased by
13 Defendant XEBEC, and piloted by Defendant Scott Booth, departed the Papillon Grand Canyon
14 Helicopters' offices at the Boulder City Municipal Airport in Boulder City, Clark County, Nevada at
15 4:35 p.m. for a sightseeing helicopter tour.
16

17 203. The pilot was flying in the Grand Canyon and was on an approach to land at
18 Quartermaster landing zone which is within Quartermaster Canyon, near Peach Springs, Arizona.
19

20 204. Witnesses reported that as the helicopter neared the vicinity of Quartermaster, it
21 appeared to be on a flight path consistent with the pilot aligning to make a downriver-wind landing
22 to a pad on the west.
23

24 205. The helicopter slowed after it passed over the river and maintained a southern course
as it entered a canyon wash adjacent to the landing pads.
25

26 206. While maintaining the same altitude, the helicopter entered a nose-high attitude and
then began a left turn toward the Quartermaster landing zone.
27
28

1 207. During the turn, the helicopter transitioned into a nose-low attitude and began to
2 slightly drift aft.

3 208. The helicopter maneuvered into a nose-level configuration and continued in the left
4 turn.

5 209. Witnesses reported seeing the subject helicopter make at least two (2) 360 degree left
6 turn spins before it descended into the canyon wash.

7 210. The helicopter impacted terrain and crashed into the canyon.

8 211. Upon impact, the helicopter burst into flames and burned.

9 212. Jonathan Neil Udall was rescued from the burning helicopter. While waiting for
10 rescue workers, he suffered cardiac arrest.

11 213. After more than eight (8) hours at the crash site, Jonathan Neil Udall was transported
12 by helicopter to University Medical Center where he remained in critical condition with burns over
13 98% of his body.

14 214. On February 22, 2018, Jonathan Neil Udall succumbed to his severe, horrific, and
15 catastrophic injuries.

16 215. Plaintiff Jonathan Neil Udall was injured and died as a direct result of the foregoing
17 crash of the Airbus EC130 B4 helicopter designed, machined, manufactured, assembled, supplied,
18 imported, distributed, sold, modified, owned, leased, operated, maintained, serviced, and/or certified
19 by Defendants Papillon, XEBEC, Airbus, S.A.S., and Airbus, Inc.
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1 **FIRST CAUSE OF ACTION**

2 **(NEGLIGENCE OF DEFENDANT MATTHEW HECKER –**
 WRONGFUL DEATH OF JONATHAN NEIL UDALL)

3
 4 216. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
 every allegation of the preceding paragraphs.

5
 6 217. On February 10, 2018, Defendant Matthew Hecker was a Field Stationed Mechanic
 for Defendant Papillon.

7
 8 218. Defendant Matthew Hecker held himself out as a person who could carefully and
 competently provide such mechanical services and/or supervise mechanics with respect thereto.

9
 10 219. Defendant Matthew Hecker had direct involvement with the maintenance and/or
 supervision of maintenance on the subject EC130 B4 helicopter and/or component parts, including
 but not limited to the tail rotor system.

11
 12 220. Defendant Matthew Hecker had a duty to use the highest degree of care that an
 ordinarily reasonable, careful and prudent Field Stationed Mechanic of a helicopter sightseeing tour
 business would use under the same or similar circumstances.

13
 14 221. Defendant Matthew Hecker breached that duty and was negligent by failing to
 properly and adequately perform mechanical services and/or supervise maintenance performed on
 the subject helicopter and/or component parts, including the tail rotor system, causing the helicopter
 to crash at said location, thereby causing the injuries and damages complained of herein.

15
 16 222. That as a direct and proximate result of the aforesaid negligence and carelessness on
 the part of Defendant Matthew Hecker, Jonathan Neil Udall died.

17
 18 223. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the

reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

224. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

SECOND CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT DANIEL FRIEDMAN –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

225. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

226. On February 10, 2018, Defendant Daniel Friedman was an Airframe and Powerplant (A&P) mechanic with Inspection Authorization approval and an Inspector for Defendant Papillon.

227. Defendant Daniel Friedman held himself out as a person who could carefully and competently provide such diagnosis, repair, maintenance, and/or inspection of helicopters with respect thereto.

228. Defendant Daniel Friedman had a direct involvement with the subject EC130 B4 helicopter.

229. Defendant Daniel Friedman had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent Airframe and Powerplant (A&P) mechanic with

1 Inspection Authorization (IA) approval and an Inspector of a helicopter sightseeing tour business
2 would use under the same or similar circumstances.

3 230. Defendant Daniel Friedman breached that duty and was negligent by failing to
4 properly and adequately diagnose, repair, maintain, and/or inspect the subject EC130 B4 helicopter
5 and/or component parts, including the tail rotor system, causing the helicopter to crash at said
6 location, thereby causing the injuries and damages complained of herein.
7

8 231. That as a direct and proximate result of the aforesaid negligence and carelessness on
9 the part of Defendant Daniel Friedman, Jonathan Neil Udall died.

10 232. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
11 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
12 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
13 reasonable value of the services, consortium, companionship, comfort, society, instruction,
14 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
15 death, further including, loss of probable support, past and future lost income, household services,
16 and other value of benefits which would have been provided by the deceased.
17

18 233. Plaintiffs further claim such damages as the decedent suffered between the time of
19 injury and the time of death and for the recovery of which the decedent might have maintained an
20 action had death not ensued including, but not limited to, mental anguish, physical disability,
21 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
22 aggravating circumstances attendant upon the fatal injury.
23

THIRD CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT BRENDA HALVORSON –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

234. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

235. On February 10, 2018, Defendant Brenda Halvorson was responsible for the supervision of, and controlled, influenced and governed the activities of Defendants Papillon and XEBEC.

236. Defendant Brenda Halvorson was responsible for ensuring the safe and defect free condition of the subject helicopter and/or component parts.

237. Defendant Brenda Halvorson had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent owners, lessors, chief executive officers, directors, individual governors, and supervisors of a helicopter sightseeing tour business would use under the same or similar circumstances.

238. Defendant Brenda Halvorson breached that duty and was negligent by, but not limited to:

- a. Defendant failed to properly and adequately monitor and supervise the conduct and activities of Defendants Papillon and XEBEC;
- b. Defendant failed to ensure that the subject EC130 B4 helicopter was in a safe and defect free condition;
- c. Defendant failed to select and purchase a helicopter equipped with a crash resistant fuel system and/or retrofit the current helicopter with a crash resistant fuel system;

1 d. Defendant failed to implement and/or utilize proper emergency readiness
2 procedures to rescue passengers who may be involved in a helicopter crash,
3 including the decedent herein, Jonathan Neil Udall;
4 e. Defendant failed to implement, utilize, manage, and/or supervise proper
5 guidelines and policies with respect to flights in unsafe weather conditions;
6 f. Defendant failed to monitor and/or supervise the maintenance activities of
7 Defendant Papillon, specifically maintenance on the tail rotor system on the
8 subject EC130 B4 helicopter;
9 g. Defendant failed to monitor and/or supervise the hiring of unqualified,
10 inexperienced, part-time pilots used to transport passengers on sightseeing
11 helicopter tours, including passenger Jonathan Neil Udall; and
12 h. Defendant failed to provide and supervise the proper training to its employees,
13 including pilots and mechanics.

14 239. Defendant Brenda Halvorson knew from at least one prior helicopter crash of a
15 Papillon helicopter that if a helicopter is not equipped with a crash resistance fuel system, it is not
16 crashworthy and is incapable of withstanding impact of a minimal to moderate nature.

17 240. Defendant Brenda Halvorson knew from at least one prior helicopter crash of a
18 Papillon helicopter that if the helicopter fuel system does not withstand impact of a minimal to
19 moderate nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
20 catastrophically burned.

21 241. That as a direct and proximate result of the aforesaid negligence and carelessness on
22 the part of Defendant Brenda Halvorson, Jonathan Neil Udall died.

23 242. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
24 such damages as are fair and just for the death and loss thus occasioned, including but not limited to

the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

243. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

FOURTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT GEOFFREY EDLUND –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

244. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

245. On February 10, 2018, Defendant Geoffrey Edlund was responsible for the supervision of, and controlled, influenced and governed the activities of Defendant Papillon.

246. Defendant Geoffrey Edlund was responsible for ensuring the safe and defect free condition of the subject helicopter and/or component parts.

247. Defendant Geoffrey Edlund had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent owners, lessors, presidents, and supervisors of a helicopter sightseeing tour business would use under the same or similar circumstances.

248. Defendant Geoffrey Edlund breached that duty and was negligent by, but not limited
to:

- 1 a. Defendant failed to properly and adequately monitor and supervise the
2 conduct and activities of Defendant Papillon;
- 3 b. Defendant failed to ensure that the subject EC130 B4 helicopter was in a safe
4 and defect free condition;
- 5 c. Defendant failed to select and purchase a helicopter equipped with a crash
6 resistant fuel system and/or retrofit the current helicopter with a crash
7 resistant fuel system;
- 8 d. Defendant failed to implement and/or utilize proper emergency readiness
9 procedures to rescue passengers who may be involved in a helicopter crash,
10 including the decedent herein, Jonathan Neil Udall;
- 11 e. Defendant failed to implement, utilize, manage, and/or supervise proper
12 guidelines and policies with respect to flights in unsafe weather conditions;
- 13 f. Defendant failed to monitor and/or supervise the maintenance activities of
14 Defendant Papillon, specifically maintenance on the tail rotor system on the
15 subject EC130 B4 helicopter;
- 16 g. Defendant failed to monitor and/or supervise the hiring of unqualified,
17 inexperienced, part-time pilots used to transport passengers on sightseeing
18 helicopter tours, including passenger Jonathan Neil Udall; and
- 19 h. Defendant failed to provide and supervise the proper training to its employees,
20 including pilots and mechanics.

249. That as a direct and proximate result of the aforesaid negligence and carelessness on
25 the part of Defendant Geoffrey Edlund, Jonathan Neil Udall died.

1 250. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
 2 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
 3 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
 4 reasonable value of the services, consortium, companionship, comfort, society, instruction,
 5 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
 6 death, further including, loss of probable support, past and future lost income, household services,
 7 and other value of benefits which would have been provided by the deceased.
 8

9 251. Plaintiffs further claim such damages as the decedent suffered between the time of
 10 injury and the time of death and for the recovery of which the decedent might have maintained an
 11 action had death not ensued including, but not limited to, mental anguish, physical disability,
 12 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
 13 aggravating circumstances attendant upon the fatal injury.
 14

FIFTH CAUSE OF ACTION

(NEGLIGENCE OF DEFENDANT ELLING B. HALVORSON – WRONGFUL DEATH OF JONATHAN NEIL UDALL)

15 252. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
 16 every allegation of the preceding paragraphs.
 17

18 253. On February 10, 2018, Defendant Elling B. Halvorson was responsible for the
 19 supervision of, and controlled, influenced and governed the activities of Defendant Papillon.
 20

21 254. Defendant Elling B. Halvorson was responsible for ensuring the safe and defect free
 22 condition of the subject helicopter and/or component parts.
 23

24 255. Defendant Elling B. Halvorson had a duty to use the highest degree of care that
 25 ordinarily reasonable, careful and prudent owners, lessors, directors, and supervisors of a helicopter
 26 sightseeing tour business would use under the same or similar circumstances.
 27

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7408 West Sahara Avenue
Las Vegas, Nevada 89117
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1 256. Defendant Elling B. Halvorson breached that duty and was negligent by, but not
2 limited to:

3 a. Defendant failed to properly and adequately monitor and supervise the
4 conduct and activities of Defendant Papillon;

5 b. Defendant failed to ensure that the subject EC130 B4 helicopter was in a safe
6 and defect free condition;

7 c. Defendant failed to select and purchase a helicopter equipped with a crash
8 resistant fuel system and/or retrofit the current helicopter with a crash
9 resistant fuel system;

10 d. Defendant failed to implement and/or utilize proper emergency readiness
11 procedures to rescue passengers who may be involved in a helicopter crash,
12 including the decedent herein, Jonathan Neil Udall;

13 e. Defendant failed to implement, utilize, manage, and/or supervise proper
14 guidelines and policies with respect to flights in unsafe weather conditions;

15 f. Defendant failed to monitor and/or supervise the maintenance activities of
16 Defendant Papillon, specifically maintenance on the tail rotor system on the
17 subject EC130 B4 helicopter;

18 g. Defendant failed to monitor and/or supervise the hiring of unqualified,
19 inexperienced, part-time pilots used to transport passengers on sightseeing
20 helicopter tours, including passenger Jonathan Neil Udall; and

21 h. Defendant failed to provide and supervise the proper training to its employees,
22 including pilots and mechanics.

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1 257. Defendant Elling B. Halvorson knew from at least one prior helicopter crash of a
2 Papillon helicopter that if a helicopter is not equipped with a crash resistance fuel system, it is not
3 crashworthy and is incapable of withstanding impact of a minimal to moderate nature.

4 258. Defendant Elling B. Halvorson knew from at least one prior helicopter crash of a
5 Papillon helicopter that if the helicopter fuel system does not withstand impact of a minimal to
6 moderate nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
7 catastrophically burned.

8 259. That as a direct and proximate result of the aforesaid negligence and carelessness on
9 the part of Defendant Elling B. Halvorson, Jonathan Neil Udall died.

10 260. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
11 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
12 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
13 reasonable value of the services, consortium, companionship, comfort, society, instruction,
14 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
15 death, further including, loss of probable support, past and future lost income, household services,
16 and other value of benefits which would have been provided by the deceased.

17 261. Plaintiffs further claim such damages as the decedent suffered between the time of
18 injury and the time of death and for the recovery of which the decedent might have maintained an
19 action had death not ensued including, but not limited to, mental anguish, physical disability,
20 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
21 aggravating circumstances attendant upon the fatal injury.

SIXTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT JOHN BECKER –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

262. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

263. On February 10, 2018, Defendant John Becker was responsible for the supervision of, and controlled, influenced and governed the activities of Defendant Papillon.

264. Defendant John Becker was responsible for ensuring the safe and defect free condition of the subject helicopter and/or component parts.

265. Defendant John Becker had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent owners, lessors, chief executive officers, directors of operations, and supervisors of a helicopter sightseeing tour business would use under the same or similar circumstances.

266. Defendant John Becker breached that duty and was negligent by, but not limited to:

- a. Defendant failed to properly and adequately monitor and supervise the conduct and activities of Defendant Papillon;
- b. Defendant failed to ensure that the subject EC130 B4 helicopter was in a safe and defect free condition;
- c. Defendant failed to select and purchase a helicopter equipped with a crash resistant fuel system and/or retrofit the current helicopter with a crash resistant fuel system;
- d. Defendant failed to implement and/or utilize proper emergency readiness procedures to rescue passengers who may be involved in a helicopter crash, including the decedent herein, Jonathan Neil Udall;

- 1 e. Defendant failed to implement, utilize, manage, and/or supervise proper
- 2 guidelines and policies with respect to flights in unsafe weather conditions;
- 3 f. Defendant failed to monitor and/or supervise the maintenance activities of
- 4 Defendant Papillon, specifically maintenance on the tail rotor system on the
- 5 subject EC130 B4 helicopter;
- 6 g. Defendant failed to monitor and/or supervise the hiring of unqualified,
- 7 inexperienced, part-time pilots used to transport passengers on sightseeing
- 8 helicopter tours, including passenger Jonathan Neil Udall; and
- 9 h. Defendant failed to provide and supervise the proper training to its employees,
- 10 including pilots and mechanics.

127. That as a direct and proximate result of the aforesaid negligence and carelessness on
 13 the part of Defendant John Becker, Jonathan Neil Udall died.

128. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
 15 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
 16 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
 17 reasonable value of the services, consortium, companionship, comfort, society, instruction,
 18 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
 19 death, further including, loss of probable support, past and future lost income, household services,
 20 and other value of benefits which would have been provided by the deceased.

229. Plaintiffs further claim such damages as the decedent suffered between the time of
 23 injury and the time of death and for the recovery of which the decedent might have maintained an
 24 action had death not ensued including, but not limited to, mental anguish, physical disability,
 25 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
 26 aggravating circumstances attendant upon the fatal injury.

SEVENTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT ELLING KENT HALVORSON –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

270. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

271. On February 10, 2018, Defendant Elling Kent Halvorson was responsible for the supervision of, and controlled, influenced and governed the activities of Defendant Papillon.

272. Defendant Elling Kent Halvorson was responsible for ensuring the safe and defect free condition of the subject helicopter and/or component parts.

273. Defendant Elling Kent Halvorson had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent owners, lessors, vice presidents, directors, and supervisors of a helicopter sightseeing tour business would use under the same or similar circumstances.

274. Defendant Elling Kent Halvorson breached that duty and was negligent by, but not limited to:

- a. Defendant failed to properly and adequately monitor and supervise the conduct and activities of Defendant Papillon;
- b. Defendant failed to ensure that the subject EC130 B4 helicopter was in a safe and defect free condition;
- c. Defendant failed to select and purchase a helicopter equipped with a crash resistant fuel system and/or retrofit the current helicopter with a crash resistant fuel system;
- d. Defendant failed to implement and/or utilize proper emergency readiness procedures to rescue passengers who may be involved in a helicopter crash, including the decedent herein, Jonathan Neil Udall;

- 1 e. Defendant failed to implement, utilize, manage, and/or supervise proper
- 2 guidelines and policies with respect to flights in unsafe weather conditions;
- 3 f. Defendant failed to monitor and/or supervise the maintenance activities of
- 4 Defendant Papillon, specifically maintenance on the tail rotor system on the
- 5 subject EC130 B4 helicopter;
- 6 g. Defendant failed to monitor and/or supervise the hiring of unqualified,
- 7 inexperienced, part-time pilots used to transport passengers on sightseeing
- 8 helicopter tours, including passenger Jonathan Neil Udall; and
- 9 h. Defendant failed to provide and supervise the proper training to its employees,
- 10 including pilots and mechanics.

125. That as a direct and proximate result of the aforesaid negligence and carelessness on
13 the part of Defendant Elling Kent Halvorson, Jonathan Neil Udall died.

126. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
15 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
16 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
17 reasonable value of the services, consortium, companionship, comfort, society, instruction,
18 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
19 death, further including, loss of probable support, past and future lost income, household services,
20 and other value of benefits which would have been provided by the deceased.

227. Plaintiffs further claim such damages as the decedent suffered between the time of
23 injury and the time of death and for the recovery of which the decedent might have maintained an
24 action had death not ensued including, but not limited to, mental anguish, physical disability,
25 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
26 aggravating circumstances attendant upon the fatal injury.

EIGHTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT LON A. HALVORSON –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

278. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

279. On February 10, 2018, Defendant Lon A. Halvorson was responsible for the supervision of, and controlled, influenced and governed the activities of Defendants Papillon and XEBEC.

280. Defendant Lon A. Halvorson was responsible for ensuring the safe and defect free condition of the subject helicopter and/or component parts.

281. Defendant Lon A. Halvorson had a duty to use the highest degree of care that ordinarily reasonable, careful and prudent owners, lessors, vice presidents, directors, individual governors, and supervisors of a helicopter sightseeing tour business would use under the same or similar circumstances.

282. Defendant Lon A. Halvorson breached that duty and was negligent by, but not limited
to:

- a. Defendant failed to properly and adequately monitor and supervise the conduct and activities of Defendants Papillon and XEBEC;
- b. Defendant failed to ensure that the subject EC130 B4 helicopter was in a safe and defect free condition;
- c. Defendant failed to select and purchase a helicopter equipped with a crash resistant fuel system and/or retrofit the current helicopter with a crash resistant fuel system;

1 d. Defendant failed to implement and/or utilize proper emergency readiness
2 procedures to rescue passengers who may be involved in a helicopter crash,
3 including the decedent herein, Jonathan Neil Udall;
4 e. Defendant failed to implement, utilize, manage, and/or supervise proper
5 guidelines and policies with respect to flights in unsafe weather conditions;
6 f. Defendant failed to monitor and/or supervise the maintenance activities of
7 Defendant Papillon, specifically maintenance on the tail rotor system on the
8 subject EC130 B4 helicopter;
9 g. Defendant failed to monitor and/or supervise the hiring of unqualified,
10 inexperienced, part-time pilots used to transport passengers on sightseeing
11 helicopter tours, including passenger Jonathan Neil Udall; and
12 h. Defendant failed to provide and supervise the proper training to its employees,
13 including pilots and mechanics.

14 283. Defendant Lon A. Halvorson knew from at least one prior helicopter crash of a
15 Papillon helicopter that if a helicopter is not equipped with a crash resistance fuel system, it is not
16 crashworthy and is incapable of withstanding impact of a minimal to moderate nature.

17 284. Defendant Lon A. Halvorson knew from at least one prior helicopter crash of a
18 Papillon helicopter that if the helicopter fuel system does not withstand impact of a minimal to
19 moderate nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
20 catastrophically burned.

21 285. That as a direct and proximate result of the aforesaid negligence and carelessness on
22 the part of Defendant Lon A. Halvorson, Jonathan Neil Udall died.

23 286. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
24 such damages as are fair and just for the death and loss thus occasioned, including but not limited to

the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

287. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

NINTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT PAPILLON – VICARIOUS
LIABILITY FOR MATTHEW HECKER’S FAILURE TO USE
ORDINARY CARE IN MAINTAINING THE SUBJECT
HELICOPTER – WRONGFUL DEATH
OF JONATHAN NEIL UDALL)**

288. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

289. Defendant Papillon held itself out as an entity which could carefully and competently provide and maintain helicopters which were utilized in the course of its sightseeing tour operations.

290. That Defendant Papillon had a duty to use that degree of care that ordinarily careful and prudent operators of a helicopter sightseeing tour business would use under the same or similar circumstances.

291. Defendant Matthew Hecker had a duty to use that degree of care that an ordinarily careful and prudent helicopter mechanic would use under the same or similar circumstances.

1 292. Defendant Papillon is vicariously liable for any and all actions of Defendant Matthew
2 Hecker as to his negligent and careless maintenance of the subject helicopter by reason of its
3 principal and agent relationship.

4 293. Defendant Matthew Hecker was negligent by failing to properly and adequately
5 perform maintenance services and/or supervise maintenance performed on the subject helicopter
6 and/or component parts, including the tail rotor system, causing the helicopter to crash at said
7 location, thereby causing the injuries and damages complained of herein.

8 294. Defendant Matthew Hecker's breach of its duty and negligence caused the injuries
9 and damages complained of herein and Plaintiffs' deceased, Jonathan Neil Udall died as a direct
10 result of the conduct of Defendant Matthew Hecker for which Defendant Papillon is vicariously
11 liable in all respects.

12 295. That as a direct and proximate result of the aforesaid negligence and carelessness on
13 the part of Defendant Matthew Hecker, Jonathan Neil Udall died.

14 296. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
15 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
16 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
17 reasonable value of the services, consortium, companionship, comfort, society, instruction,
18 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
19 death, further including, loss of probable support, past and future lost income, household services,
20 and other value of benefits which would have been provided by the deceased.

21 297. Plaintiffs further claim such damages as the decedent suffered between the time of
22 injury and the time of death and for the recovery of which the decedent might have maintained an
23 action had death not ensued including, but not limited to, mental anguish, physical disability,

1 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
 2 aggravating circumstances attendant upon the fatal injury.

3 **TENTH CAUSE OF ACTION**

4 **(NEGLIGENCE OF DEFENDANT PAPILLON – VICARIOUS
 5 LIABILITY FOR DANIEL FRIEDMAN’S FAILURE TO USE
 6 ORDINARY CARE IN MAINTAINING AND INSPECTING
 THE SUBJECT HELICOPTER – WRONGFUL DEATH
 7 OF JONATHAN NEIL UDALL)**

8 298. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
 9 every allegation of the preceding paragraphs.

10 299. Defendant Papillon held itself out as an entity which could carefully and competently
 11 provide and maintain helicopters which were utilized in the course of its sightseeing tour operations.

12 300. That Defendant Papillon had a duty to use that degree of care that ordinarily careful
 13 and prudent operators of a helicopter sightseeing tour business would use under the same or similar
 14 circumstances.

15 301. Defendant Daniel Friedman had a duty to use that degree of care that an ordinarily
 16 careful and prudent helicopter mechanic and inspector would use under the same or similar
 17 circumstances.

18 302. Defendant Papillon is vicariously liable for any and all actions of Defendant Daniel
 19 Friedman as to his negligent and careless maintenance and/or inspection of the subject helicopter by
 20 reason of its principal and agent relationship.

21 303. Defendant Daniel Friedman was negligent by failing to properly and adequately
 22 perform inspection and/or maintenance services and/or supervise maintenance performed on the
 23 subject helicopter and/or component parts, including the tail rotor system, causing the helicopter to
 24 crash at said location, thereby causing the injuries and damages complained of herein.

1 304. Defendant Daniel Friedman's breach of its duty and negligence caused the injuries
2 and damages complained of herein and Plaintiffs' deceased, Jonathan Neil Udall died as a direct
3 result of the conduct of Defendant Daniel Friedman for which Defendant Papillon is vicariously
4 liable in all respects.

5 305. That as a direct and proximate result of the aforesaid negligence and carelessness on
6 the part of Defendant Daniel Friedman, Jonathan Neil Udall died.

7 306. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
8 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
9 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
10 reasonable value of the services, consortium, companionship, comfort, society, instruction,
11 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
12 death, further including, loss of probable support, past and future lost income, household services,
13 and other value of benefits which would have been provided by the deceased.

14 307. Plaintiffs further claim such damages as the decedent suffered between the time of
15 injury and the time of death and for the recovery of which the decedent might have maintained an
16 action had death not ensued including, but not limited to, mental anguish, physical disability,
17 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
18 aggravating circumstances attendant upon the fatal injury.

ELEVENTH CAUSE OF ACTION

**(NEGIGIGENCE OF DEFENDANT PAPILLON – VICARIOUS
LIABILITY FOR SCOTT BOOTH'S FAILURE TO USE
ORDINARY CARE IN PILOTING THE SUBJECT
HELICOPTER – WRONGFUL DEATH
OF JONATHAN NEIL UDALL)**

308. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

309. Defendant Papillon held itself out as an entity which could carefully and competently provide and maintain safe helicopter sightseeing tours which were utilized in the course of its operations.

310. That Defendant Papillon had a duty to use that degree of care that ordinarily careful and prudent operators of a helicopter sightseeing tour business would use under the same or similar circumstances.

311. Defendant Scott Booth had a duty to use that degree of care that an ordinarily careful and prudent pilot would use under the same or similar circumstances.

312. Defendant Papillon is vicariously liable for any and all actions of Defendant Scott Booth as to his negligent and careless piloting and operation of the subject helicopter by reason of its principal and agent relationship.

313. Defendant Scott Booth was negligent in the following respects:

- a. Defendant Scott Booth failed to maintain proper control of the helicopter in flight;
- b. Defendant Scott Booth failed to properly avoid natural obstacles in the flight path;
- c. Defendant Scott Booth failed keep a safe distance between the helicopter and natural obstacles;

- 1 d. Defendant Scott Booth failed to operate the helicopter in a safe manner;
- 2 e. Defendant Scott Booth failed to perform a proper and thorough pre-flight
- 3 check;
- 4 f. Defendant Scott Booth failed to perform the proper weather checks prior to
- 5 the flight; and
- 6 g. Defendant Scott Booth failed to properly respond to an in-flight loss of
- 7 control.

9 314. Defendant Scott Booth's breach of its duty and negligence caused the injuries and
10 damages complained of herein and Plaintiffs' deceased, Jonathan Neil Udall died as a direct result of
11 the conduct of Defendant Scott Booth for which Defendant Papillon is vicariously liable in all
12 respects.

13 315. That as a direct and proximate result of the aforesaid negligence and carelessness on
14 the part of Defendant Scott Booth, Jonathan Neil Udall died.

15 316. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
16 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
17 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
18 reasonable value of the services, consortium, companionship, comfort, society, instruction,
19 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
20 death, further including, loss of probable support, past and future lost income, household services,
21 and other value of benefits which would have been provided by the deceased.

22 317. Plaintiffs further claim such damages as the decedent suffered between the time of
23 injury and the time of death and for the recovery of which the decedent might have maintained an
24 action had death not ensued including, but not limited to, mental anguish, physical disability,

conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

TWELFTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT PAPILLON – FAILURE
TO USE ORDINARY CARE IN PROVIDING PROPER
AND SAFE AIRCRAFT AND AIRCRAFT SERVICES –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

318. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

319. Defendant Papillon held itself out as an entity which could carefully and competently provide and maintain safe helicopter sightseeing tours which were utilized in the course of its operations.

320. That Defendant Papillon had a duty to use that degree of care that ordinarily careful and prudent operators of a helicopter sightseeing tour business would use under the same or similar circumstances.

321. Defendant Papillon had a duty to use that degree of care that an ordinarily careful and prudent company would use under the same or similar circumstances.

322. Defendant Papillon was negligent in its duties as follows:

- a. Defendant Papillon failed to have in place a policy for keeping a safe distance between the helicopter and natural obstacles;
- b. Defendant Papillon failed to provide proper training to its pilots;
- c. Defendant Papillon failed to properly and adequately monitor and supervise the contact and activities of their business and/or employees;
- d. Defendant Papillon failed to have in place a policy and/or ensure that weather checks are performed prior to every flight;

- 1 e. Defendant Papillon allowed inexperienced, part-time, and/or unqualified
- 2 pilots to operate their aircraft;
- 3 f. Defendant Papillon failed to equip their helicopters with crash resistant fuel
- 4 systems to prevent thermal injuries to their passengers in the event of a
- 5 survivable helicopter crash; and
- 6 g. Defendant Papillon failed to properly maintain the subject aircraft.

7 323. Defendant Papillon knew from at least one prior helicopter crash of a Papillon
 8 helicopter that if a helicopter is not equipped with a crash resistance fuel system, it is not
 9 crashworthy and is incapable of withstanding impact of a minimal to moderate nature.

10 324. Defendant Papillon knew from at least one prior helicopter crash of a Papillon
 11 helicopter that if the helicopter fuel system does not withstand impact of a minimal to moderate
 12 nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
 13 catastrophically burned.

14 325. That as a direct and proximate result of the aforesaid negligence and carelessness on
 15 the part of Defendant Papillon, Jonathan Neil Udall died.

16 326. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
 17 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
 18 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
 19 reasonable value of the services, consortium, companionship, comfort, society, instruction,
 20 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
 21 death, further including, loss of probable support, past and future lost income, household services,
 22 and other value of benefits which would have been provided by the deceased.

23 327. Plaintiffs further claim such damages as the decedent suffered between the time of
 24 injury and the time of death and for the recovery of which the decedent might have maintained an

1 action had death not ensued including, but not limited to, mental anguish, physical disability,
 2 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
 3 aggravating circumstances attendant upon the fatal injury.

4 328. Plaintiffs further claim punitive damages in that the actions and conduct heretofore
 5 set out demonstrated a reckless disregard for safety and complete indifference to the safety and
 6 rights of others, including Plaintiffs' deceased.
 7

THIRTEENTH CAUSE OF ACTION

(NEGLIGENCE OF DEFENDANT PAPILLON – CAUSING OR AUTHORIZING THE OPERATION OF HELICOPTER IN A CARELESS OR RECKLESS MANNER – WRONGFUL DEATH OF JONATHAN NEIL UDALL)

8 329. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
 9 every allegation of the preceding paragraphs.
 10

11 330. Defendant Papillon held itself out as an entity, which could carefully and competently
 12 provide and maintain safe helicopter sightseeing tours which were utilized in the course of its
 13 operations.
 14

15 331. That Defendant Papillon had a duty to use that degree of care that ordinarily careful
 16 and prudent operators of a helicopter sightseeing tour business would use under the same or similar
 17 circumstances.
 18

19 332. Defendant Papillon operated the aircraft in a negligent, careless or reckless manner
 20 by, but not limited to:
 21

- 22 a. Defendant Papillon failed to have in place a policy for keeping a safe distance
 between the helicopter and natural obstacles;
 23 b. Defendant Papillon failed to provide proper training to its pilots;
 24

- 1 c. Defendant Papillon failed to properly and adequately monitor and supervise
- 2 the contact and activities of their business and/or employees;
- 3 d. Defendant Papillon failed to have in place a policy and/or ensure that weather
- 4 checks are performed prior to every flight; and
- 5 e. Defendant Papillon allowed inexperienced, part-time, and/or unqualified
- 6 pilots to operate their aircraft.

7 333. That as a direct and proximate result of the aforesaid negligence and carelessness on
 8 the part of Defendant Papillon, Jonathan Neil Udall died.

9 334. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
 10 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
 11 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
 12 reasonable value of the services, consortium, companionship, comfort, society, instruction,
 13 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
 14 death, further including, loss of probable support, past and future lost income, household services,
 15 and other value of benefits which would have been provided by the deceased.

16 335. Plaintiffs further claim such damages as the decedent suffered between the time of
 17 injury and the time of death and for the recovery of which the decedent might have maintained an
 18 action had death not ensued including, but not limited to, mental anguish, physical disability,
 19 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
 20 aggravating circumstances attendant upon the fatal injury.

21 336. Plaintiffs further claim punitive damages in that the actions and conduct heretofore
 22 set out demonstrated a reckless disregard for safety and complete indifference to the safety and
 23 rights of others, including Plaintiffs' deceased.

FOURTEENTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT PAPILLON – FAILURE
TO IMPLEMENT PROPER EMERGENCY READINESS
PROCEDURES – WRONGFUL DEATH OF
JONATHAN NEIL UDALL)**

337. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

338. Defendant Papillon held itself out as an entity, which could carefully and competently provide and maintain safe helicopter sightseeing tours which were utilized in the course of its operations.

339. That Defendant Papillon had a duty to use that degree of care that ordinarily careful and prudent operators of a helicopter sightseeing tour business would use under the same or similar circumstances.

340. Defendant Papillon failed to implement proper emergency readiness procedures so that passengers on a Papillon Grand Canyon Helicopters sightseeing tour, specifically including the decedent herein, Jonathan Neil Udall, could be timely rescued after a helicopter crash.

341. Defendant Papillon's failure to implement proper emergency readiness procedures caused the passenger and decedent herein, Jonathan Neil Udall, to be stranded at the bottom of the Grand Canyon for more than eight (8) hours before he could be transferred to the hospital.

342. Defendant Papillon's failure to implement proper emergency readiness procedures caused the passenger and decedent herein, Jonathan Neil Udall, to suffer cardiac arrest and to remain without the proper medical attention for more than eight (8) hours before he could be transferred to the hospital.

343. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of Defendant Papillon, Jonathan Neil Udall died.

344. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

345. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

346. Plaintiffs further claim punitive damages in that the actions and conduct heretofore set out demonstrated a reckless disregard for safety and complete indifference to the safety and rights of others, including Plaintiffs' deceased.

FIFTEENTH CAUSE OF ACTION

(COMMON CARRIER LIABILITY - - FAILURE OF DEFENDANT PAPILLON TO PROVIDE HIGHEST DEGREE OF CARE IN SUPPLYING SAFE AND AIRWORTHY HELICOPTER – WRONGFUL DEATH OF JONATHAN NEIL UDALL)

347. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

348. Plaintiffs' deceased, Jonathan Neil Udall was a passenger for hire of a helicopter sightseeing tour service controlled, operated, dispatched, and supervised by Defendant Papillon.

1 349. Defendant Papillon held itself out as an entity which could safely and competently
2 transport persons purchasing helicopter sightseeing tours.

3 350. At all times material hereto, Defendant Papillon was and is a commercial air taxi
4 service carrying passengers who have purchased helicopter sightseeing tours and doing so for hire
5 and for profit as a common carrier.

6 351. Defendant Papillon had a duty to Plaintiffs' deceased, Jonathan Neil Udall, to
7 exercise the highest degree of care and diligence in the operation, management, maintenance, and
8 service of its helicopter sightseeing tours to be provided to persons within the general public, such as
9 Jonathan Neil Udall and, specifically, the highest degree of care and diligence to provide a safe and
10 airworthy aircraft.

11 352. Defendant Papillon failed to provide a reasonably safe aircraft for the use and
12 transport of Plaintiffs' deceased thereby breaching its duty to exercise the highest degree of care.

13 353. Plaintiffs' deceased died as a direct and proximate result of Defendant Papillon's
14 failure to exercise the highest degree of care in providing a safe helicopter for their use and
15 transport.

16 354. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
17 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
18 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
19 reasonable value of the services, consortium, companionship, comfort, society, instruction,
20 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
21 death, further including, loss of probable support, past and future lost income, household services,
22 and other value of benefits which would have been provided by the deceased.

23 355. Plaintiffs further claim such damages as the decedent suffered between the time the
24 helicopter malfunctioned and the time of impact with the ground and his death and for the recovery

1 of which the decedent might have maintained an action had death not ensued including, but not
 2 limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror,
 3 apprehension of impending death, disfigurement, and further considering the aggravating
 4 circumstances attendant upon the fatal injury.

5 356. Plaintiffs further claim punitive damages in that the actions and conduct heretofore
 6 set out demonstrated a reckless disregard for safety and complete indifference to the safety and
 7 rights of others, including Plaintiffs' deceased.

8

SIXTEENTH CAUSE OF ACTION

9

**(STRICT LIABILITY - - DEFECTIVE DESIGN AND
 10 MANUFACTURE BY DEFENDANT AIRBUS HELICOPTERS,
 11 S.A.S. – WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

12 357. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
 13 every allegation of the preceding paragraphs.

14 358. Defendant Airbus S.A.S. designed, manufactured, assembled, supplied, distributed
 15 and/or sold the aforementioned helicopter, referred to as EC130 B4, and/or component parts thereof,
 16 including the tail rotor system and fuel system, in the course of its business.

17 359. The aforesaid helicopter and/or component parts were defective and, because of the
 18 defect, the helicopter was unreasonably dangerous to a person who might reasonably be expected to
 19 use, consume or be affected by the helicopter, including the decedent herein Jonathan Neil Udall.

20 360. The aforesaid helicopter and/or component parts used therein relating to the tail rotor
 21 system were then in a defective condition, unreasonably dangerous when put to their reasonably
 22 anticipated uses into the stream of commerce.

23 361. The aforesaid helicopter and/or component parts used therein relating to the fuel
 24 system configuration were then in a defective condition, unreasonably dangerous when put to their
 25 reasonably anticipated uses into the stream of commerce.

1 362. The aforesaid helicopter was used in a manner reasonably anticipated by Defendant
2 Airbus, S.A.S. and others.

3 363. The helicopter and/or component parts or systems referenced herein were expected to
4 and did reach the user or consumer without substantial change in the condition in which they were
5 sold.

6 364. The defects in the helicopter caused the injuries and damages to Plaintiffs.

7 365. The helicopter was defective and dangerous for reasons including, but not limited to,
8 the following:

- 10 a. Defendant designed, manufactured, and supplied an unsafe and unreasonably
11 dangerous tail rotor system which is uncontrollable in the event of a failure,
12 especially at low speeds, hover and/or liftoff;
- 13 b. Defendant knew that the failure of the tail rotor system renders the helicopter
14 unsafe and uncontrollable;
- 15 c. Defendant supplied a pilot operating handbook or flight manual that did not
16 safely and properly address failure of the tail rotor system or proper and safe
17 emergency maneuvers;
- 18 d. Defendant failed to provide the pilot of the subject helicopter with proper in-
19 flight warning that the tail rotor system was inoperable or failing;
- 20 e. Defendant supplied the subject helicopter without a proper warning system to
21 advise the pilot of an in-flight tail rotor system failure;
- 22 f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel
23 system configuration which caused the helicopter to explode and/or burn upon
24 impact; and

1 g. The helicopter was not crashworthy in that the fuel system as designed and
2 manufactured was incapable of withstanding impact of a minimal to moderate
3 nature.

4 366. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew from other
5 crashes of its helicopters that if a helicopter is not equipped with a crash resistance fuel system, it is
6 not crashworthy and is incapable of withstanding impact of a minimal to moderate nature.
7

8 367. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew from other
9 crashes of its helicopters that if the helicopter fuel system does not withstand impact of a minimal to
10 moderate nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
11 catastrophically burned.

12 368. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a study
13 performed by Robertson Aviation, LLC and published in 2002 found that the fatality rate increased
14 two to three times when a post-crash fire ensued versus no post-crash fire.

15 369. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a study
16 performed by Robertson Aviation, LLC and published in 2002 found that 78.5% of post-crash fires
17 were attributable to failed fuel tanks and/or fuel lines.

18 370. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a crash
19 resistant fuel system was designed and developed for the U.S. Army in the late 1960's.
20

21 371. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a drop test
22 was conducted in 1968 on the crash resistant fuel system which was designed and developed for the
23 U.S. Army and the crash resistant fuel system functioned as designed and no fluids were spilled.
24

25 372. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that one of the
26 goals when designing for post-crash fire safety is to prevent spillage.
27

1 373. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that the first
2 military helicopter produced with a crash resistant fuel system came into service in April 1970.

3 374. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that after April
4 1970, programs to retrofit existing military helicopters with crash resistant fuel systems were
5 implemented.

6 375. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a study
7 published in 1978 documented that Army helicopters equipped with a crash resistant fuel system had
8 reduced thermal injuries by 75% and that there were no thermal fatalities during the 1970-1976
9 study period.

10 376. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that the National
11 Transportation Safety Board published a report in 1980 that made a recommendation to the Federal
12 Aviation Administration regarding the implementation of crash resistant fuel systems in an effort to
13 reduce the incidence of post-crash fires.

14 377. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that it is
15 important to provide occupants of helicopters with the time to evacuate the helicopter and move
16 away from the vicinity before being consumed by smoke and fire.

17 378. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that improved
18 crash resistance standards incorporating fuel system design features to minimize the hazard of fuel
19 fires to occupants following an otherwise survivable impact were enacted in 1994.

20 379. Prior to the subject crash, Defendant Airbus, S.A.S. knew of the enhanced safety of
21 crashworthy fuel tanks.

22 380. The fuel system on the subject helicopter was defective in design and unreasonably
23 dangerous in design in that it catastrophically failed when subjected to known survivable crash
24 conditions resulting in a significant post-crash explosion and fuel fed fire.

1 381. The conduct of Defendant Airbus, S.A.S. was willful and wanton given their
2 conscious decision to manufacture and market the subject helicopter without a crash resistant fuel
3 system.

4 382. That as a direct and proximate result of the aforesaid negligence and carelessness on
5 the part of Defendant Airbus, S.A.S., Jonathan Neil Udall died.

6 383. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
7 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
8 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
9 reasonable value of the services, consortium, companionship, comfort, society, instruction,
10 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
11 death, further including, loss of probable support, past and future lost income, household services,
12 and other value of benefits which would have been provided by the deceased.

13 384. Plaintiffs further claim such damages as the decedent suffered between the time of
14 injury and the time of death and for the recovery of which the decedent might have maintained an
15 action had death not ensued including, but not limited to, mental anguish, physical disability,
16 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
17 aggravating circumstances attendant upon the fatal injury.

18 385. Plaintiffs further claim punitive damages in that the actions and conduct heretofore
19 set out demonstrated a reckless disregard for safety and complete indifference to the safety and
20 rights of others, including Plaintiffs' deceased.

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SEVENTEENTH CAUSE OF ACTION

**(STRICT LIABILITY -- FAILURE TO WARN BY DEFENDANT
AIRBUS HELICOPTERS, S.A.S. – WRONGFUL DEATH
OF JONATHAN NEIL UDALL)**

386. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

387. The helicopter, which crashed and burned on February 10, 2018 was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

388. That at all times pertinent hereto, Defendant Airbus, S.A.S. failed to provide an adequate warning as to the dangers of use of said helicopter, including the tail rotor system and fuel system, which were then unreasonably dangerous.

389. Defendant Airbus, S.A.S. failed to adequately warn foreseeable users of the risk of harm from the defective design of the tail rotor system in that a failure of the system would render the helicopter uncontrollable.

390. Defendant Airbus, S.A.S. failed to adequately warn foreseeable users of the risk of harm from the defective design of the fuel system in that the fuel tank was incapable of withstanding impact of a minimal to moderate nature.

391. The helicopter was used in a manner reasonably anticipated.

392. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of Defendant Airbus, S.A.S., Jonathan Neil Udall died.

393. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction,

guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

394. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

395. Plaintiffs further claim punitive damages in that the actions and conduct heretofore set out demonstrated a reckless disregard for safety and complete indifference to the safety and rights of others, including Plaintiffs' deceased.

EIGHTEENTH CAUSE OF ACTION

**(NEGLIGENCE - - FAILURE OF DEFENDANT AIRBUS
HELICOPTERS, S.A.S., TO USE ORDINARY CARE TO
DESIGN AND MANUFACTURE HELICOPTER –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

396. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

397. Defendant Airbus, S.A.S. designed, manufactured, assembled, supplied, distributed, or sold the aforementioned helicopter and/or related component parts used therein in the course of its business.

398. Defendant Airbus, S.A.S. held itself out as an entity that could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute and sell helicopters and/or component parts.

1 399. Defendant Airbus, S.A.S. had a duty to use that degree of care that an ordinarily
2 careful and prudent designer, manufacturer, importer, distributor, and seller of helicopters and
3 component parts would use under the same or similar circumstances.

4 400. Defendant Airbus, S.A.S. was negligent by failing to exercise reasonable care to
5 prevent the helicopter from creating an unreasonable risk of harm to the person or one who might
6 reasonably be expected to use or be affected by the helicopter while it was being used in the manner
7 Defendant Airbus, S.A.S. might have reasonably expected.

8 401. Jonathan Neil Udall was one of those persons that Defendant Airbus, S.A.S. should
9 reasonably have expected to use or be affected by this helicopter.

10 402. The helicopter and related component parts designed, manufactured, and sold by
11 Defendant Airbus, S.A.S. were defective and otherwise flawed, which had the effect of creating a
12 catastrophic failure during flight.

13 403. The aforesaid helicopter and/or component parts used therein relating to the design of
14 the tail rotor system designed, manufactured, and sold by Defendant Airbus, S.A.S. were defective
15 and otherwise flawed, which had the effect of allowing the helicopter to crash after a loss of tail
16 rotor effectiveness.

17 404. The aforesaid helicopter and/or component parts used therein relating to the design of
18 the fuel system configuration designed, manufactured, and sold by Defendant Airbus, S.A.S. were
19 defective and otherwise flawed, which had the effect of allowing the fuel tank to fail thereby causing
20 the helicopter to explode and burn upon a survivable crash.

21 405. Defendant Airbus, S.A.S. knew or by using ordinary care should have known of the
22 foreseeable risk of harm caused by such flawed and dangerous condition as was created by its failure
23 to properly design, test, manufacture, sell, monitor, field performance, accumulate field data, recall
24 and distribute safe helicopters and component parts.

1 406. Defendant Airbus, S.A.S. was further negligent for reasons including, but not limited
2 to, the following:

- 3 a. Defendant designed, manufactured, and supplied an unsafe and unreasonably
4 dangerous tail rotor system which is uncontrollable in the event of a failure,
5 especially at low speeds, hover and/or liftoff;
- 6 b. Defendant knew that the failure of the tail rotor system renders the helicopter
7 unsafe and uncontrollable;
- 8 c. Defendant supplied a pilot operating handbook or flight manual that did not
9 safely and properly address failure of the tail rotor system or proper and safe
10 emergency maneuvers;
- 11 d. Defendant failed to provide the pilot of the subject helicopter with proper in-
12 flight warning that the tail rotor system was inoperable or failing;
- 13 e. Defendant supplied the subject helicopter without a proper warning system to
14 advise the pilot of an in-flight tail rotor system failure;
- 15 f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel
16 tank configuration which caused the helicopter to explode and/or burn upon
17 impact; and
- 18 g. The helicopter was not crashworthy in that the fuel tank as designed and
19 manufactured was incapable of withstanding impact of a minimal to moderate
20 nature.

21 407. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew from other
22 crashes of its helicopters that if a helicopter is not equipped with a crash resistance fuel system, it is
23 not crashworthy and is incapable of withstanding impact of a minimal to moderate nature.

1 408. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew from other
2 crashes of its helicopters that if the helicopter fuel system does not withstand impact of a minimal to
3 moderate nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
4 catastrophically burned.

5 409. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a study
6 performed by Robertson Aviation, LLC and published in 2002 found that the fatality rate increased
7 two to three times when a post-crash fire ensued versus no post-crash fire.

8 410. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a study
9 performed by Robertson Aviation, LLC and published in 2002 found that 78.5% of post-crash fires
10 were attributable to failed fuel tanks and/or fuel lines.

11 411. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a crash
12 resistant fuel system was designed and developed for the U.S. Army in the late 1960's.

13 412. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a drop test
14 was conducted in 1968 on the crash resistant fuel system which was designed and developed for the
15 U.S. Army and the crash resistant fuel system functioned as designed and no fluids were spilled.

16 413. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that one of the
17 goals when designing for post-crash fire safety is to prevent spillage.

18 414. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that the first
19 military helicopter produced with a crash resistant fuel system came into service in April 1970.

20 415. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that after April
21 1970, programs to retrofit existing military helicopters with crash resistant fuel systems were
22 implemented.

23 416. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that a study
24 published in 1978 documented that Army helicopters equipped with a crash resistant fuel system had
25

1 reduced thermal injuries by 75% and that there were no thermal fatalities during the 1970-1976
2 study period.

3 417. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that the National
4 Transportation Safety Board published a report in 1980 that made a recommendation to the Federal
5 Aviation Administration regarding the implementation of crash resistant fuel systems in an effort to
6 reduce the incidence of post-crash fires.
7

8 418. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that it is
9 important to provide occupants of helicopters with the time to evacuate the helicopter and move
10 away from the vicinity before being consumed by smoke and fire.
11

12 419. Prior to the subject helicopter crash, Defendant Airbus, S.A.S. knew that improved
13 crash resistance standards incorporating fuel system design features to minimize the hazard of fuel
14 fires to occupants following an otherwise survivable impact were enacted in 1994.
15

16 420. Prior to the subject crash, Defendant Airbus, S.A.S. knew of the enhanced safety of
17 crashworthy fuel tanks.
18

19 421. The fuel system on the subject helicopter was defective in design and unreasonably
20 dangerous in design in that it catastrophically failed when subjected to known survivable crash
21 conditions resulting in a significant post-crash explosion and fuel fed fire.
22

23 422. The conduct of Defendant Airbus, S.A.S. was willful and wanton given their
24 conscious decision to manufacture and market the subject helicopter without a crash resistant fuel
25 system.
26

27 423. As a direct and proximate result of the aforesaid negligence and carelessness on the
28 part of Defendant Airbus, S.A.S., the subject helicopter crashed and burned at the aforesaid location,
thereby causing the death of Jonathan Neil Udall complained of herein.
29

424. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

425. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

426. Plaintiffs further claim punitive damages in that the actions and conduct heretofore set out demonstrated a reckless disregard for safety and complete indifference to the safety and rights of others, including Plaintiffs' deceased.

NINETEENTH CAUSE OF ACTION

**(NEGLIGENCE - - FAILURE OF DEFENDANT AIRBUS
HELICOPTERS, S.A.S. TO WARN OF KNOWN HAZARD -
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

427. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

428. The helicopter and component parts, manufactured and sold by Defendant Airbus, S A S, were in a defective condition and unreasonably dangerous.

429. Defendant Airbus, S.A.S. failed to use ordinary care to adequately warn foreseeable users of the risk of harm from use of the subject helicopter and component parts, including the tail

1 rotor system and fuel system, in that said systems contained hazards of such magnitude so as to
2 create massive and instantaneous in-flight failure and to explode and burn in a survivable crash.

3 430. Defendant Airbus, S.A.S. failed to properly and timely report known and suspected
4 defects, malfunctions, and failures including the precise nature and mechanism of the defect,
5 malfunction and failure in the aircraft which is the subject of this lawsuit and thereby breached its
6 duty to repair, replace, recall, inform and warn operators, users, passengers and others of the known
7 and anticipated malfunctions, problems, safety hazards and defects associated with the use and
8 continued use of the helicopter and component parts.

9 431. Defendant Airbus, S.A.S. failed to report, warn, instruct, recall, replace, repair,
10 inspect, test, investigate and monitor the safety and related hazards of the subject helicopter and
11 component parts, including the tail rotor system and fuel system wherein it had an initial and
12 continuing duty and obligation to do so.

13 432. Defendant failed to issue or issued improper and tardy service bulletins in regard to
14 the helicopter.

15 433. Defendant Airbus, S.A.S. should have issued or requested issuance of proper
16 Airworthiness Directives.

17 434. As a direct result of the failure of Defendant Airbus, S.A.S. to adequately warn of the
18 risk of harm from the heretofore enumerated defects or hazards, Jonathan Neil Udall died.

19 435. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
20 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
21 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
22 reasonable value of the services, consortium, companionship, comfort, society, instruction,
23 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
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25
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27

death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

436. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

437. Plaintiffs further claim punitive damages in that the actions and conduct heretofore set out demonstrated a reckless disregard for safety and complete indifference to the safety and rights of others, including Plaintiffs' deceased.

TWENTIETH CAUSE OF ACTION

**(STRICT LIABILITY - - DEFECTIVE DESIGN AND
MANUFACTURE BY DEFENDANT AIRBUS
HELICOPTERS, INC. – WRONGFUL DEATH
OF JONATHAN NEIL UDALL)**

438. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

439. Defendant Airbus, Inc. designed, manufactured, assembled, supplied, distributed and/or sold the aforementioned helicopter, referred to as EC130 B4, and/or component parts thereof, including the tail rotor system and fuel system, in the course of its business.

440. The aforesaid helicopter and/or component parts were defective and, because of the defect, the helicopter was unreasonably dangerous to a person who might reasonably be expected to use, consume or be affected by the helicopter, including the decedent herein Jonathan Neil Udall.

441. The aforesaid helicopter and/or component parts used therein relating to the tail rotor system were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses into the stream of commerce.

442. The aforesaid helicopter and/or component parts used therein relating to the fuel system configuration were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses into the stream of commerce.

443. The aforesaid helicopter was used in a manner reasonably anticipated by Defendant Airbus, Inc. and others.

444. The helicopter and/or component parts or systems referenced herein were expected to and did reach the user or consumer without substantial change in the condition in which they were sold.

445. The defects in the helicopter caused the injuries and damages to Plaintiffs.

446. The helicopter was defective and dangerous for reasons including, but not limited to, the following:

- a. Defendant designed, manufactured, and supplied an unsafe and unreasonably dangerous tail rotor system which is uncontrollable in the event of a failure, especially at low speeds, hover and/or liftoff;
- b. Defendant knew that the failure of the tail rotor system renders the helicopter unsafe and uncontrollable;
- c. Defendant supplied a pilot operating handbook or flight manual that did not safely and properly address failure of the tail rotor system or proper and safe emergency maneuvers;
- d. Defendant failed to provide the pilot of the subject helicopter with proper in-flight warning that the tail rotor system was inoperable or failing;

- 1 e. Defendant supplied the subject helicopter without a proper warning system to
- 2 advise the pilot of an in-flight tail rotor system failure;
- 3 f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel
- 4 system configuration which caused the helicopter to explode and/or burn upon
- 5 impact; and
- 6 g. The helicopter was not crashworthy in that the fuel system as designed and
- 7 manufactured was incapable of withstanding impact of a minimal to moderate
- 8 nature.

10 447. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew from other crashes
11 of its helicopters that if a helicopter is not equipped with a crash resistance fuel system, it is not
12 crashworthy and is incapable of withstanding impact of a minimal to moderate nature.

13 448. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew from other crashes
14 of its helicopters that if the helicopter fuel system does not withstand impact of a minimal to
15 moderate nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
16 catastrophically burned.

17 449. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a study
18 performed by Robertson Aviation, LLC and published in 2002 found that the fatality rate increased
19 two to three times when a post-crash fire ensued versus no post-crash fire.

20 450. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a study
21 performed by Robertson Aviation, LLC and published in 2002 found that 78.5% of post-crash fires
22 were attributable to failed fuel tanks and/or fuel lines.

23 451. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a crash
24 resistant fuel system was designed and developed for the U.S. Army in the late 1960's.

1 452. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a drop test was
2 conducted in 1968 on the crash resistant fuel system which was designed and developed for the U.S.
3 Army and the crash resistant fuel system functioned as designed and no fluids were spilled.

4 453. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that one of the
5 goals when designing for post-crash fire safety is to prevent spillage.

6 454. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that the first
7 military helicopter produced with a crash resistant fuel system came into service in April 1970.

9 455. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that after April
10 1970, programs to retrofit existing military helicopters with crash resistant fuel systems were
11 implemented.

12 456. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a study
13 published in 1978 documented that Army helicopters equipped with a crash resistant fuel system had
14 reduced thermal injuries by 75% and that there were no thermal fatalities during the 1970-1976
15 study period.

17 457. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that the National
18 Transportation Safety Board published a report in 1980 that made a recommendation to the Federal
19 Aviation Administration regarding the implementation of crash resistant fuel systems in an effort to
20 reduce the incidence of post-crash fires.

21 458. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that it is important
22 to provide occupants of helicopters with the time to evacuate the helicopter and move away from the
23 vicinity before being consumed by smoke and fire.

25 459. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that improved
26 crash resistance standards incorporating fuel system design features to minimize the hazard of fuel
27 fires to occupants following an otherwise survivable impact were enacted in 1994.

1 460. Prior to the subject crash, Defendant Airbus, Inc. knew of the enhanced safety of
2 crashworthy fuel tanks.

3 461. The fuel system on the subject helicopter was defective in design and unreasonably
4 dangerous in design in that it catastrophically failed when subjected to known survivable crash
5 conditions resulting in a significant post-crash explosion and fuel fed fire.

6 462. The conduct of Defendant Airbus, Inc. was willful and wanton given their conscious
7 decision to manufacture and market the subject helicopter without a crash resistant fuel system.

9 463. That as a direct and proximate result of the aforesaid negligence and carelessness on
10 the part of Defendant Airbus, Inc., Jonathan Neil Udall died.

11 464. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
12 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
13 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
14 reasonable value of the services, consortium, companionship, comfort, society, instruction,
15 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
16 death, further including, loss of probable support, past and future lost income, household services,
17 and other value of benefits which would have been provided by the deceased.

19 465. Plaintiffs further claim such damages as the decedent suffered between the time of
20 injury and the time of death and for the recovery of which the decedent might have maintained an
21 action had death not ensued including, but not limited to, mental anguish, physical disability,
22 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
23 aggravating circumstances attendant upon the fatal injury.

25 466. Plaintiffs further claim punitive damages in that the actions and conduct heretofore
26 set out demonstrated a reckless disregard for safety and complete indifference to the safety and
27 rights of others, including Plaintiffs' deceased.

TWENTY-FIRST CAUSE OF ACTION

**(STRICT LIABILITY - - FAILURE TO WARN
BY DEFENDANT AIRBUS HELICOPTERS, INC. -
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

467. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

468. The helicopter, which crashed and burned on February 10, 2018 was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

469. That at all times pertinent hereto, Defendant Airbus, Inc. failed to provide an adequate warning as to the dangers of use of said helicopter, including the tail rotor system and fuel system, which were then unreasonably dangerous.

470. Defendant Airbus, Inc. failed to adequately warn foreseeable users of the risk of harm from the defective design of the tail rotor system in that a failure of the system would render the helicopter uncontrollable.

471. Defendant Airbus, Inc. failed to adequately warn foreseeable users of the risk of harm from the defective design of the fuel system in that the fuel tank was incapable of withstanding impact of a minimal to moderate nature.

472. The helicopter was used in a manner reasonably anticipated.

473. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of Defendant Airbus, Inc., Jonathan Neil Udall died.

474. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, society, instruction,

1 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
 2 death, further including, loss of probable support, past and future lost income, household services,
 3 and other value of benefits which would have been provided by the deceased.

4 475. Plaintiffs further claim such damages as the decedent suffered between the time of
 5 injury and the time of death and for the recovery of which the decedent might have maintained an
 6 action had death not ensued including, but not limited to, mental anguish, physical disability,
 7 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
 8 aggravating circumstances attendant upon the fatal injury.

9 476. Plaintiffs further claim punitive damages in that the actions and conduct heretofore
 10 set out demonstrated a reckless disregard for safety and complete indifference to the safety and
 11 rights of others, including Plaintiffs' deceased.

12 **TWENTY-SECOND CAUSE OF ACTION**

13 **(NEGLIGENCE -- FAILURE OF DEFENDANT AIRBUS
 14 HELICOPTERS, INC. TO USE ORDINARY CARE TO
 15 DESIGN AND MANUFACTURE HELICOPTER –
 16 WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

17 477. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
 18 every allegation of the preceding paragraphs.

19 478. Defendant Airbus, Inc. designed, manufactured, assembled, supplied, distributed, or
 20 sold the aforementioned helicopter and/or related component parts used therein in the course of its
 21 business.

22 479. Defendant Airbus, Inc. held itself out as an entity that could carefully and
 23 competently design, manufacture, select materials for, design maintenance programs for, inspect,
 24 supply, distribute and sell helicopters and/or component parts.

1 480. Defendant Airbus, Inc. had a duty to use that degree of care that an ordinarily careful
2 and prudent designer, manufacturer, importer, distributor, and seller of helicopters and component
3 parts would use under the same or similar circumstances.

4 481. Defendant Airbus, Inc. was negligent by failing to exercise reasonable care to prevent
5 the helicopter from creating an unreasonable risk of harm to the person or one who might reasonably
6 be expected to use or be affected by the helicopter while it was being used in the manner Defendant
7 Airbus, Inc. might have reasonably expected.

8 482. Jonathan Neil Udall was one of those persons the Defendant Airbus, Inc. should
9 reasonably have expected to use or be affected by this helicopter.

10 483. The helicopter and related component parts designed, manufactured, and sold by
11 Defendant Airbus, Inc. were defective and otherwise flawed, which had the effect of creating a
12 catastrophic failure during flight.

13 484. The aforesaid helicopter and/or component parts used therein relating to the design of
14 the tail rotor system designed, manufactured, and sold by Defendant Airbus, Inc., were defective and
15 otherwise flawed, which had the effect of allowing the helicopter to crash after a loss of tail rotor
16 effectiveness.

17 485. The aforesaid helicopter and/or component parts used therein relating to the design of
18 the fuel system configuration designed, manufactured, and sold by Defendant Airbus, Inc., were
19 defective and otherwise flawed, which had the effect of allowing the fuel tank to fail thereby causing
20 the helicopter to explode and burn upon a survivable crash.

21 486. Defendant Airbus, Inc. knew or by using ordinary care should have known of the
22 foreseeable risk of harm caused by such flawed and dangerous condition as was created by its failure
23 to properly design, test, manufacture, sell, monitor, field performance, accumulate field data, recall
24 and distribute safe helicopters and component parts.

487. Defendant Airbus, Inc. was further negligent for reasons including, but not limited to,
the following:

- a. Defendant designed, manufactured, and supplied an unsafe and unreasonably dangerous tail rotor system which is uncontrollable in the event of a failure, especially at low speeds, hover and/or liftoff;
- b. Defendant knew that the failure of the tail rotor system renders the helicopter unsafe and uncontrollable;
- c. Defendant supplied a pilot operating handbook or flight manual that did not safely and properly address failure of the tail rotor system or proper and safe emergency maneuvers;
- d. Defendant failed to provide the pilot of the subject helicopter with proper in-flight warning that the tail rotor system was inoperable or failing;
- e. Defendant supplied the subject helicopter without a proper warning system to advise the pilot of an in-flight tail rotor system failure;
- f. Defendant selected and supplied an unsafe and unreasonably dangerous fuel tank configuration which caused the helicopter to explode and/or burn upon impact; and
- g. The helicopter was not crashworthy in that the fuel tank as designed and manufactured was incapable of withstanding impact of a minimal to moderate nature.

488. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew from other crashes of its helicopters that if a helicopter is not equipped with a crash resistance fuel system, it is not crashworthy and is incapable of withstanding impact of a minimal to moderate nature.

1 489. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew from other crashes
2 of its helicopters that if the helicopter fuel system does not withstand impact of a minimal to
3 moderate nature, the fuel tank will rupture upon impact and the occupants will be horrifically and
4 catastrophically burned.

5 490. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a study
6 performed by Robertson Aviation, LLC and published in 2002 found that the fatality rate increased
7 two to three times when a post-crash fire ensued versus no post-crash fire.

8 491. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a study
9 performed by Robertson Aviation, LLC and published in 2002 found that 78.5% of post-crash fires
10 were attributable to failed fuel tanks and/or fuel lines.

11 492. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a crash
12 resistant fuel system was designed and developed for the U.S. Army in the late 1960's.

13 493. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a drop test was
14 conducted in 1968 on the crash resistant fuel system which was designed and developed for the U.S.
15 Army and the crash resistant fuel system functioned as designed and no fluids were spilled.

16 494. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that one of the
17 goals when designing for post-crash fire safety is to prevent spillage.

18 495. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that the first
19 military helicopter produced with a crash resistant fuel system came into service in April 1970.

20 496. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that after April
21 1970, programs to retrofit existing military helicopters with crash resistant fuel systems were
22 implemented.

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1 497. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that a study
2 published in 1978 documented that Army helicopters equipped with a crash resistant fuel system had
3 reduced thermal injuries by 75% and that there were no thermal fatalities during the 1970-1976
4 study period.

5 498. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that the National
6 Transportation Safety Board published a report in 1980 that made a recommendation to the Federal
7 Aviation Administration regarding the implementation of crash resistant fuel systems in an effort to
8 reduce the incidence of post-crash fires.

9 499. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that it is important
10 to provide occupants of helicopters with the time to evacuate the helicopter and move away from the
11 vicinity before being consumed by smoke and fire.

12 500. Prior to the subject helicopter crash, Defendant Airbus, Inc. knew that improved
13 crash resistance standards incorporating fuel system design features to minimize the hazard of fuel
14 fires to occupants following an otherwise survivable impact were enacted in 1994.

15 501. Prior to the subject crash, Defendant Airbus, Inc. knew of the enhanced safety of
16 crashworthy fuel tanks.

17 502. The fuel system on the subject helicopter was defective in design and unreasonably
18 dangerous in design in that it catastrophically failed when subjected to known survivable crash
19 conditions resulting in a significant post-crash explosion and fuel fed fire.

20 503. The conduct of Defendant Airbus, Inc. was willful and wanton given their conscious
21 decision to manufacture and market the subject helicopter without a crash resistant fuel system.

22 504. As a direct and proximate result of the aforesaid negligence and carelessness on the
23 part of Defendant Airbus, Inc., the subject helicopter crashed and burned at the aforesaid location,
24 thereby causing the death of Jonathan Neil Udall complained of herein.

1 505. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
 2 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
 3 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
 4 reasonable value of the services, consortium, companionship, comfort, society, instruction,
 5 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
 6 death, further including, loss of probable support, past and future lost income, household services,
 7 and other value of benefits which would have been provided by the deceased.
 8

9 506. Plaintiffs further claim such damages as the decedent suffered between the time of
 10 injury and the time of death and for the recovery of which the decedent might have maintained an
 11 action had death not ensued including, but not limited to, mental anguish, physical disability,
 12 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
 13 aggravating circumstances attendant upon the fatal injury.

14 507. Plaintiffs further claim punitive damages in that the actions and conduct heretofore
 15 set out demonstrated a reckless disregard for safety and complete indifference to the safety and
 16 rights of others, including Plaintiffs' deceased.
 17

TWENTY-THIRD CAUSE OF ACTION

(NEGLIGENCE - - FAILURE OF DEFENDANT AIRBUS HELICOPTERS, INC. TO WARN OF KNOWN HAZARD – WRONGFUL DEATH OF JONATHAN NEIL UDALL)

21 508. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
 22 every allegation of the preceding paragraphs.
 23

24 509. The helicopter and component parts, manufactured and sold by Defendant Airbus,
 25 Inc. were in a defective condition and unreasonably dangerous.
 26

27 510. Defendant Airbus, Inc. failed to use ordinary care to adequately warn foreseeable
 28 users of the risk of harm from use of the subject helicopter and component parts, including the tail

1 rotor system and fuel system, in that said systems contained hazards of such magnitude so as to
2 create massive and instantaneous in-flight failure and to explode and burn in a survivable crash.

3 511. Defendant Airbus, Inc. failed to properly and timely report known and suspected
4 defects, malfunctions, and failures including the precise nature and mechanism of the defect,
5 malfunction and failure in the aircraft which is the subject of this lawsuit and thereby breached its
6 duty to repair, replace, recall, inform and warn operators, users, passengers and others of the known
7 and anticipated malfunctions, problems, safety hazards and defects associated with the use and
8 continued use of the helicopter and component parts.

9
10 512. Defendant Airbus, Inc. failed to report, warn, instruct, recall, replace, repair, inspect,
11 test, investigate and monitor the safety and related hazards of the subject helicopter and component
12 parts, including the tail rotor system and fuel system wherein it had an initial and continuing duty
13 and obligation to do so.

14
15 513. Defendant failed to issue or issued improper and tardy service bulletins in regard to
16 the helicopter.

17
18 514. Defendant Airbus, Inc. should have issued or requested issuance of proper
19 Airworthiness Directives.

20
21 515. As a direct result of the failure of Defendant Airbus, Inc. to adequately warn of the
22 risk of harm from the heretofore enumerated defects or hazards, Jonathan Neil Udall died.

23
24 516. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
25 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
26 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
27 reasonable value of the services, consortium, companionship, comfort, society, instruction,
28 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such

death, further including, loss of probable support, past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

517. Plaintiffs further claim such damages as the decedent suffered between the time of injury and the time of death and for the recovery of which the decedent might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, disfigurement, and further considering the aggravating circumstances attendant upon the fatal injury.

518. Plaintiffs further claim punitive damages in that the actions and conduct heretofore set out demonstrated a reckless disregard for safety and complete indifference to the safety and rights of others, including Plaintiffs' deceased.

TWENTY-FOURTH CAUSE OF ACTION

(NEGLIGENCE OF DEFENDANT XEBEC – FAILURE TO USE ORDINARY CARE IN PROVIDING PROPER AND SAFE AIRCRAFT AND AIRCRAFT SERVICES – WRONGFUL DEATH OF JONATHAN NEIL UDALL)

519. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

520. Defendant XEBEC held itself out as an entity, which could carefully and competently provide and maintain safe helicopter sightseeing tour helicopters which were utilized in the course of its operations.

521. Defendant XEBEC had a duty to use that degree of care that ordinarily careful and prudent owners, lessors, and supervisors of a helicopter sightseeing tour helicopter business would use under the same or similar circumstances.

522. Defendant XEBEC had a duty to use that degree of care that an ordinarily careful and prudent company would use under the same or similar circumstances.

523. Defendant XEBEC was negligent in its duties as follows:

- a. Defendant XEBEC failed to have in place a policy for keeping a safe distance between the helicopter and natural obstacles;
- b. Defendant XEBEC failed to require that Defendant Papillon have in place a policy for keeping a safe distance between the helicopter and natural obstacles;
- c. Defendant XEBEC failed to provide proper training to its pilots;
- d. Defendant XEBEC failed to require that Defendant Papillon provide proper training to its pilots;
- e. Defendant XEBEC failed to properly and adequately monitor and supervise the contact and activities of their business and/or employees;
- f. Defendant XEBEC failed to require that Defendant Papillon properly and adequately monitor and supervise the contact and activities of Defendant Papillon's business and/or employees;
- g. Defendant XEBEC failed to have in place a policy and/or verify that weather checks are performed prior to every flight;
- h. Defendant XEBEC failed to require that Defendant Papillon have in place a policy and/or verify that weather checks are performed prior to every flight;
- i. Defendant XEBEC allowed inexperienced, part-time, and/or unqualified pilots to operate their aircraft;
- j. Defendant XEBEC failed to require that Defendant Papillon not allow inexperienced, part-time, and/or unqualified pilots to operate their aircraft;

- 1 k. Defendant XEBEC failed to equip their helicopters with crash resistant fuel
- 2 systems to prevent thermal injuries to their passengers in the event of a
- 3 survivable helicopter crash;
- 4 l. Defendant XEBEC failed to require that Defendant Papillon equip their
- 5 helicopters with crash resistant fuel systems to prevent thermal injuries to
- 6 their passengers in the event of a survivable helicopter crash;
- 7 m. Defendant XEBEC failed to properly maintain the subject aircraft; and
- 8 n. Defendant XEBEC failed to require that Defendant Papillon properly
- 9 maintain the subject aircraft.

11 524. That as a direct and proximate result of the aforesaid negligence and carelessness on
12 the part of Defendant XEBEC, Jonathan Neil Udall died.

13 525. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
14 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
15 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
16 reasonable value of the services, consortium, companionship, comfort, society, instruction,
17 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
18 death, further including, loss of probable support, past and future lost income, household services,
19 and other value of benefits which would have been provided by the deceased.

20 526. Plaintiffs further claim such damages as the decedent suffered between the time of
21 injury and the time of death and for the recovery of which the decedent might have maintained an
22 action had death not ensued including, but not limited to, mental anguish, physical disability,
23 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
24 aggravating circumstances attendant upon the fatal injury.

TWENTY-FIFTH CAUSE OF ACTION

**(NEGLIGENCE OF DEFENDANT XEBEC – CAUSING
OR AUTHORIZING THE OPERATION OF HELICOPTER
IN A CARELESS OR RECKLESS MANNER- WRONGFUL
DEATH OF JONATHAN NEIL UDALL)**

527. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

528. Defendant XEBEC held itself out as an entity, which could carefully and competently provide and maintain safe helicopter sightseeing tours which were utilized in the course of its operations.

529. That Defendant XEBEC had a duty to use that degree of care that ordinarily careful and prudent owners, lessors, and supervisors of a helicopter sightseeing tour business would use under the same or similar circumstances.

530. Defendant XEBEC operated and/or authorized the helicopter to be operated in a negligent, careless or reckless manner to wit, in that:

- a. Defendant XEBEC failed to have in place a policy for keeping a safe distance between the helicopter and natural obstacles;
- b. Defendant XEBEC failed to require that Defendant Papillon have in place a policy for keeping a safe distance between the helicopter and natural obstacles;
- c. Defendant XEBEC failed to provide proper training to its pilots;
- d. Defendant XEBEC failed to require that Defendant Papillon provide proper training to its pilots;
- e. Defendant XEBEC failed to properly and adequately monitor and supervise the contact and activities of their business and/or employees;

- 1 f. Defendant XEBEC failed to require that Defendant Papillon properly and
- 2 adequately monitor and supervise the contact and activities of their business
- 3 and/or employees;
- 4 g. Defendant XEBEC failed to have in place a policy and/or verify that weather
- 5 checks are performed prior to every flight; and
- 6 h. Defendant XEBEC failed to require that Defendant Papillon have in place a
- 7 policy and/or verify that weather checks are performed prior to every flight.

8
9 531. That as a direct and proximate result of the aforesaid negligence and carelessness on
10 the part of Defendant XEBEC, Jonathan Neil Udall died.

11
12 532. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
13 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
14 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
15 reasonable value of the services, consortium, companionship, comfort, society, instruction,
16 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
17 death, further including, loss of probable support, past and future lost income, household services,
18 and other value of benefits which would have been provided by the deceased.

19
20 533. Plaintiffs further claim such damages as the decedent suffered between the time of
21 injury and the time of death and for the recovery of which the decedent might have maintained an
22 action had death not ensued including, but not limited to, mental anguish, physical disability,
23 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
24 aggravating circumstances attendant upon the fatal injury.

TWENTY-SIXTH CAUSE OF ACTION

**(NEGLIGENCE OF SCOTT BOOTH –
WRONGFUL DEATH OF JONATHAN NEIL UDALL)**

534. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and every allegation of the preceding paragraphs.

535. On February 10 2018, Defendant Scott Booth was a licensed pilot employed part-time by Defendant Papillon.

536. On February 10, 2018, Defendant Scott Booth, in the course and scope of his employment with Defendant Papillon, provided pilot and related ground services to the owner and operator of the subject EC130 B4 helicopter in which Jonathan Neil Udall was a passenger.

537. Defendant Scott Booth held himself out as a person who could carefully and competently pilot or otherwise provide safe air transportation.

538. Defendant Scott Booth had a duty to use that degree of care that an ordinarily careful and prudent helicopter pilot would use under the same or similar circumstances.

539. Defendant Scott Booth breached that duty and was negligent by:

- a. Defendant Scott Booth failed to maintain proper control of the helicopter in flight;
- b. Defendant Scott Booth failed to properly avoid natural obstacles in the flight path;
- c. Defendant Scott Booth failed keep a safe distance between the helicopter and natural obstacles;
- d. Defendant Scott Booth failed to operate the helicopter in a safe manner;
- e. Defendant Scott Booth failed to perform a proper and thorough pre-flight check;

1 f. Defendant Scott Booth failed to perform the proper weather checks prior to
2 the flight; and

3 g. Defendant Scott Booth failed to properly respond to an in-flight loss of
4 control.

5 540. That as a direct and proximate result of the aforesaid negligence and carelessness on
6 the part of Defendant Scott Booth, Jonathan Neil Udall died.

7 541. By virtue of Jonathan Neil Udall's untimely death, Plaintiffs are lawfully entitled to
8 such damages as are fair and just for the death and loss thus occasioned, including but not limited to
9 the pecuniary losses suffered by reason of the death, grief, sorrow, funeral expenses, and the
10 reasonable value of the services, consortium, companionship, comfort, society, instruction,
11 guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such
12 death, further including, loss of probable support, past and future lost income, household services,
13 and other value of benefits which would have been provided by the deceased.

14 542. Plaintiffs further claim such damages as the decedent suffered between the time of
15 injury and the time of death and for the recovery of which the decedent might have maintained an
16 action had death not ensued including, but not limited to, mental anguish, physical disability,
17 conscious pain and suffering, pre-impact terror, disfigurement, and further considering the
18 aggravating circumstances attendant upon the fatal injury.

1 **TWENTY-SEVENTH CAUSE OF ACTION**

2 **(PUNITIVE DAMAGES AND DEFENDANTS' SPECIFIC ACTS
3 AND OMISSIONS DEMONSTRATING CONSCIOUS DISREGARD
4 AND COMPLETE INDIFFERENCE TO THE SAFETY OF
5 HELICOPTER PASSENGERS – WRONGFUL DEATH
6 OF JONATHAN NEIL UDALL)**

7 543. Plaintiffs hereby incorporate by reference, as though fully set out herein, each and
8 every allegation of the preceding paragraphs.

9 544. The aforesaid acts and omissions on the part of the Defendants constitute malice,
10 oppression, and a conscious disregard of known safety procedures, practices, and policies, thereby
11 entitling Plaintiffs to punitive damages against Defendants Papillon, Airbus, S.A.S., and Airbus, Inc.
12 in an amount to be proven at trial.

13 545. Those actions and omissions evidencing Defendants' conscious and knowing
14 disregard of the rights or safety of others include, but are not limited to, the following:

- 15 a. Defendant Papillon, through its highest ranking-executives, managers, officers
16 and supervisors engaged in known reckless practices with respect to the
17 operation of its helicopters utilization of its unqualified and inexperienced
18 part-time pilots, and related maintenance practices;
- 19 b. Defendant Papillon consciously and knowingly permitted an unqualified, part-
20 time and inexperienced to pilot its helicopters, including the subject
21 helicopter, which it knew was not properly qualified, or properly experienced
22 to pilot that helicopter;
- 23 c. Defendant Papillon knowingly and consciously utilized unsafe and dangerous
24 piloting policies and practices with respect to its aircraft fleet including with
25 respect to the subject helicopter;

1 d. Defendant Papillon knowingly and recklessly authorized flights to be taken in
2 weather conditions which would be dangerous to the passengers on the
3 helicopter;

4 e. Defendant Papillon knowingly and consciously maintained an unacceptable
5 and reckless policy and procedure for flights during poor weather conditions;

6 f. Defendant Papillon knowingly and recklessly purchased, leased, and/or
7 operated uncrashworthy helicopters in that they knew from previous accidents
8 that the fuel systems would fail upon impact of a survivable crash, and the
9 helicopter would ignite and burn the occupants;

10 g. Defendant Airbus, S.A.S., through its highest ranking-executives, managers,
11 officers, and supervisors engaged in known reckless practices with respect to
12 the manufacture and design of the tail rotor system in its helicopters;

13 h. Defendant Airbus, S.A.S. consciously and knowing sold and distributed
14 helicopters with uncrashworthy fuel tanks, including the subject helicopter,
15 which it knew would rupture upon impact in a survivable helicopter crash,
16 therefore burning the passengers of the helicopter;

17 i. Defendant Airbus, S.A.S. knowingly and consciously failed to provide
18 operators with a crash resistant fuel system retrofit when it knew that the
19 uncrashworthy fuel tank would rupture upon impact of a survivable helicopter
20 crash;

21 j. Defendant Airbus, S.A.S. knew of the dangers of not equipping helicopters
22 with a crash resistant fuel system yet continued to manufacture and sell
23 helicopters without it;

BERTOLDO BAKER CARTER & SMITH
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Las Vegas, Nevada 89117
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1 k. Defendant Airbus, S.A.S. knowingly and recklessly selected and supplied an
2 unsafe and unreasonably dangerous fuel tank configuration for use on the
3 subject helicopter which caused the helicopter to explode and burn upon
4 impact;

5 l. Defendant Airbus, Inc., through its highest ranking-executives, managers,
6 officers, and supervisors engaged in known reckless practices with respect to
7 the manufacture and design of the tail rotor system in its helicopters;

8 m. Defendant Airbus, Inc. consciously and knowing sold and distributed
9 helicopters with uncrashworthy fuel tanks, including the subject helicopter,
10 which it knew would rupture upon impact in a survivable helicopter crash,
11 therefore burning the passengers of the helicopter;

12 n. Defendant Airbus, Inc. knowingly and consciously failed to provide operators
13 with a crash resistant fuel system retrofit when it knew that the uncrashworthy
14 fuel tank would rupture upon impact of a survivable helicopter crash;

15 o. Defendant Airbus, Inc. knew of the dangers of not equipping helicopters with
16 a crash resistant fuel system yet continued to manufacture and sell helicopters
17 without it; and

18 p. Defendant Airbus, Inc. knowingly and recklessly selected and supplied an
19 unsafe and unreasonably dangerous fuel tank configuration for use on the
20 subject helicopter which caused the helicopter to explode and burn upon
21 impact.

22 546. Defendants had actual knowledge of the high degree of probability and risks of harm
23 yet continued to implement such reckless policies.

547. Defendants knew that there was a substantially enhanced probability of a helicopter crash with resultant passenger deaths as a direct result of its reckless, despicable and indifferent practices.

548. As a direct result of the reckless conduct of Defendants substantial harm occurred in
that a helicopter did crash and a passenger on board that helicopter was catastrophically injured and
died.

549. Defendants, by clear and convincing evidence, demonstrated that its actions as heretofore described, cumulatively and individually, showed a reckless and complete indifference to the safety of others, notably Plaintiffs' deceased, which would have entitled the Plaintiffs' deceased to punitive damages had he lived.

WHEREFORE Plaintiffs MARY RIGGS, as Personal Representative of the ESTATE OF JONATHAN NEIL UDALL, for the benefit of the ESTATE OF JONATHAN NEIL UDALL, and PHILIP AND MARLENE UDALL as Next of Kin and Natural Parents of JONATHAN NEIL UDALL, deceased, pray judgment against Defendants as follows:

FIRST CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

SECOND CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);

2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

THIRD CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

FOURTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

FIFTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and

5. For such other and further relief as the Court may deem just and proper.

SIXTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

SEVENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

EIGHTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

NINTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

ELEVENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TWELFTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);

2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

THIRTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

FOURTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

FIFTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and

5. For such other and further relief as the Court may deem just and proper.

SIXTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

SEVENTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

EIGHTEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

NINETEENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND
2. DOLLARS (\$15,000.00);
3. For special damages in an amount to be determined at time of trial;
4. For attorneys' fees, costs, and pre and post judgment interest;
5. For punitive damages in such sum to be determined by the jury; and
6. For such other and further relief as the Court may deem just and proper.

TWENTIETH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND
2. DOLLARS (\$15,000.00);
3. For special damages in an amount to be determined at time of trial;
4. For attorneys' fees, costs, and pre and post judgment interest;
5. For punitive damages in such sum to be determined by the jury; and
6. For such other and further relief as the Court may deem just and proper.

TWENTY-FIRST CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND
2. DOLLARS (\$15,000.00);
3. For special damages in an amount to be determined at time of trial;
4. For attorneys' fees, costs, and pre and post judgment interest;
5. For punitive damages in such sum to be determined by the jury; and
6. For such other and further relief as the Court may deem just and proper.

TWENTY-SECOND CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND
2. DOLLARS (\$15,000.00);

2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TWENTY-THIRD CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TWENTY-FOURTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TWENTY-FIFTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and

5. For such other and further relief as the Court may deem just and proper.

TWENTY-SIXTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

TWENTY-SEVENTH CAUSE OF ACTION

1. For general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For attorneys' fees, costs, and pre and post judgment interest;
4. For punitive damages in such sum to be determined by the jury; and
5. For such other and further relief as the Court may deem just and proper.

DATED: March 9, 2018

BERTOLDO BAKER CARTER & SMITH

By:

LAWRENCE J. SMITH (NSB #6505)
7408 W. Sahara Avenue
Las Vegas, Nevada 89117

GARY C. ROBB
ANITA PORTE ROBB
ROBB & ROBB LLC
One Kansas City Place
Suite 3900, 1200 Main Street
Kansas City, Missouri 64105

Attorneys for Plaintiffs

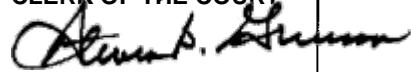
EXHIBIT 5

Electronically Filed

3/21/2018 10:21 AM

Steven D. Grierson

CLERK OF THE COURT



Attorney or Party without Attorney: BERTOLDO BAKER CARTER & SMITH LAWRENCE J. SMITH (NSB 6505) 7408 W. SAHARA AVENUE LAS VEGAS, NV 89117 Telephone No: (702) 228-2600		Ref. No. or File No.: UDALL - 20786-18		
Attorney for: PLAINTIFFS				
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT, CLARK COUNTY, NEVADA				
Plaintiff: MARY RIGGS, etc., et al., Defendant: MATTHEW HECKER, et al.				
AFFIDAVIT OF SERVICE	Hearing Date:	Time:	Dept/Div:	Case Number: A-18-770467-C

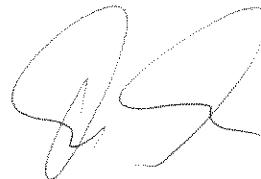
1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS; FIRST AMENDED COMPLAINT (HELICOPTER CRASH/WRONFUL DEATH)
3. a. Party served: DANIEL FRIEDMAN, a Nevada resident
b. Person served: party in item 3a
4. Address where the party was served: 6257 OVERHANG AVENUE, HENDERSON, NV 89011
5. I served the party:
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Thu, Mar 15 2018 (2) at: 06:44 PM

Fee for Service: \$0.00

I Declare under penalty of perjury under the laws of the State of NEVADA that the foregoing is true and correct.

6. Person Who Served Papers:

- a. Deyber Jimenez (R-063775, Clark)
- b. FIRST LEGAL
NEVADA PI/PS LICENSE 1452
2920 N. GREEN VALLEY PARKWAY, SUITE 514
HENDERSON, NV 89014
c. (702) 671-4002

03/19/18

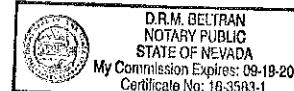
(Date)

(Signature)

7. STATE OF NEVADA, COUNTY OF Clark
 Subscribed and sworn to (or affirmed) before on this 19 day of March, 2018 by Deyber Jimenez (R-063775, Clark)
 proved to me on the basis of satisfactory evidence to be the person who appeared before me.



(Notary Signature)

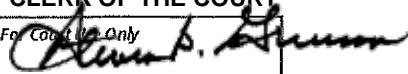
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AFFIDAVIT OF SERVICE



EXHIBIT 6

Electronically Filed
3/21/2018 10:21 AM
Steven D. Grierson
CLERK OF THE COURT

<i>Attorney or Party without Attorney:</i> BERTOLDO BAKER CARTER & SMITH LAWRENCE J. SMITH (NSB 6505) 7408 W. SAHARA AVENUE LAS VEGAS, NV 89117 Telephone No: (702) 228-2600		<i>For Court Use Only</i> 	
Attorney for: PLAINTIFFS	Ref. No. or File No.: UDALL - 20786-18		
<i>Insert name of Court, and Judicial District and Branch Court:</i> DISTRICT COURT, CLARK COUNTY, NEVADA			
<i>Plaintiff:</i> MARY RIGGS, etc., et al., <i>Defendant:</i> MATTHEW HECKER, et al.			
AFFIDAVIT OF SERVICE	Hearing Date:	Time:	Dept/Div:
			Case Number: A-18-770467-C

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS; FIRST AMENDED COMPLAINT (HELICOPTER CRASH/WRONFUL DEATH)
3. a. Party served: PAPILLON AIRWAYS, INC, d/b/a PAPILLON GRAND CANYON HELICOPTERS, an Arizona Corporation
b. Person served: DEBBIE ABERCROMBIE, AUTHORIZED AGENT, a person of suitable age and discretion at the most recent street address of the registered agent shown on the information filed with the Secretary of State.
4. Address where the party was served: THE CORPORATION TRUST COMPANY OF NEVADA - Registered Agent
701 S. CARSON STREET, SUITE 200
CARSON CITY, NV 89701
5. I served the party:
a. by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive process for the party (1) on: Thu, Mar 15 2018 (2) at: 01:45 PM

Fee for Service: \$0.00

I Declare under penalty of perjury under the laws of the State of NEVADA that the foregoing is true and correct.

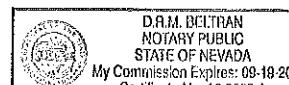
6. Person Who Served Papers:

- a. Toni Ruckman (R-052005, Washoe)
- b. FIRST LEGAL
NEVADA PI/PS LICENSE 1452
2920 N. GREEN VALLEY PARKWAY, SUITE 514
HENDERSON, NV 89014
c. (702) 671-4002

19 Mar 18 Jeri L Ruckman
(Date) (Signature)

7. STATE OF NEVADA, COUNTY OF Clark Subscribed and sworn to (or affirmed) before on this 19 day of March, 2018 by Toni Ruckman (R-052005, Washoe) proved to me on the basis of satisfactory evidence to be the person who appeared before me.

D. M. Beltran
(Notary Signature)

2100778
(55069794)

AFFIDAVIT OF SERVICE

EXHIBIT 7

1 MASS

2 LAWRENCE J. SMITH (NSB #6505)
 BERTOLDO BAKER CARTER & SMITH
 3 7408 W. Sahara Avenue
 Las Vegas, Nevada 89117
 Telephone : (702) 228-2600
 Facsimile : (702) 228-2333
 E-mail : lawre3@NVLegalJustice.com
 4 Attorneys for Plaintiff

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 * * *

8 MARY RIGGS, as Personal Representative of the
 9 ESTATE OF JONATHAN NEAL UDALL, for the
 benefit of the ESTATE OF JONATHAN NEAL
 10 UDALL, and PHILIP AND MARLENE UDALL
 11 as Next of Kin and Natural Parents of JONATHAN
 NEAL UDALL, deceased,

12 Plaintiffs,

13 vs.

14 MATTHEW HECKER, a Nevada resident;
 DANIEL FRIEDMAN, a Nevada resident;
 15 BRENDA HALVORSON, a Nevada resident;
 GEOFFREY EDLUND, a Nevada resident;
 ELLING HALVORSON, a Nevada resident;
 JOHN BECKER, a Nevada resident; PAPILLON
 16 AIRWAYS, INC. d/b/a PAPILLON GRAND
 CANYON ELICOPTERS, an Arizona Corporation;
 AIRBUS HELICOPTERS, S.A.S., a French
 17 Corporation; AIRBUS HELICOPTERS, INC., a
 Delaware Corporation; XEBEC LLC, a
 Washington Limited Liability Company; and
 SCOTT BOOTH, a California resident,

18 Defendants.

19 CASE NO: A-18-770467-C
 DEPT. NO: XIII20 EX PARTE MOTION TO
 ASSOCIATE COUNSEL21 DATE OF HEARING:
 TIME OF HEARING:

22 Plaintiffs hereby move the Court for an Order permitting GARY C. ROBB and ANITA
 PORTE ROBB to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This
 Motion is supported by the attached "Verified Application for Association of Counsel" (Gary C.
 Robb) (**Exhibit 1**), "Certificates of Good Standing" from GARY C. ROBB (**Exhibit 2**), the State
 Bar of Nevada Statement (Gary C. Robb) (**Exhibit 3**), "Verified Application for Association of

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 7408 West Sahara Avenue
 Las Vegas, Nevada 89117
 702-228-2600 • Fax 702-228-2333

1 Counsel" (Anita Porte Robb) (**Exhibit 4**), "Certificates of Good Standing" from ANITA PORTE
2 ROBB (**Exhibit 5**), and the State Bar of Nevada Statement (Anita Porte Robb) (**Exhibit 6**).

3 FURTHERMORE, inasmuch as no appearance has been entered on behalf of Defendants,
4 Plaintiffs hereby submit along with the filing of this Ex Parte Motion a proposed Order for the
5 Court's review and signature.

6 DATED: March 30, 2018

BERTOLDO BAKER CARTER & SMITH

7 By:

8 
9 LAWRENCE J. SMITH (NSB #6505)
10 7408 W. Sahara Avenue
11 Las Vegas, Nevada 89117
12 Attorneys for Plaintiffs

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

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EXHIBIT 1

EXHIBIT 1

VAPP
GARY C. ROBB¹
ANITA PORTE ROBB²
ROBB & ROBB LLC
One Kansas City Place
Suite 3900, 1200 Main Street
Kansas City, Missouri 64105
Telephone : (816) 474-8080
Facsimile : (816) 474-8081
E-mail : gcr@robbrobb.com
apr@robbrobb.com

LAWRENCE J. SMITH (NSB #6505)
BERTOLDO BAKER CARTER & SMITH
7408 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone : (702) 228-2600
Facsimile : (702) 228-2333
E-mail : lawre3@NVLegalJustice.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

MARY RIGGS, as Personal Representative of the
ESTATE OF JONATHAN NEAL UDALL, for the
benefit of the ESTATE OF JONATHAN NEAL
UDALL, and PHILIP AND MARLENE UDALL
as Next of Kin and Natural Parents of JONATHAN
NEAL UDALL, deceased,

Plaintiffs,

VS.

MATTHEW HECKER, a Nevada resident;
DANIEL FRIEDMAN, a Nevada resident;
BRENDA HALVORSON, a Nevada resident;
GEOFFREY EDLUND, a Nevada resident;
ELLING B. HALVORSON, a Nevada resident;
JOHN BECKER, a Nevada resident; PAPILLON
ELLING KENT HALVORSON, a Washington
resident; LON A. HALVORSON, a Washington
resident; PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON ELICOPTERS, an
Arizona Corporation; AIRBUS HELICOPTERS,
S.A.S., a French Corporation; AIRBUS
HELICOPTERS, INC., a Delaware Corporation;

CASE NO: A-18-770467-C
DEPT. NO: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

¹ Pro Hac Vice pending
² Pro Hac Vice pending

1 XEBEC LLC, a Washington Limited Liability
2 Company; and SCOTT BOOTH, a California
resident

3

4

5 Gary Charles Robb, Petitioner, respectfully represents:

6 First Middle Name Last

7 1. Petitioner resides at 5500 Ward Parkway
8 Street Address

9 Kansas City, Jackson, Missouri, 64105
10 City County State Zip Code

11 (816) 444-2822.
12 Telephone

13 2. Petitioner is an attorney at law and a member of the law firm of: ROBB & ROBB LLC
14 with offices at One Kansas City Place, Suite 3900, 1200 Main Street
15 Street Address

16 Kansas City, Jackson, Missouri, 64105
17 City County State Zip Code

18 (816) 474-8080, gcr@robbrobb.com
19 Telephone Email

20 3. Petitioner has been retained personally or as a member of the above named law firm by
21 Philip and Marlene Udall to provide legal
22 representation in connection with the above-entitled matter now pending before the above
23 referenced court.

24 4. Since April 24 of 1982, petitioner has been, and presently is, a member
25 of good standing of the bar of the highest court of the State of Missouri where
petitioner regularly practices law.

26 5. Petitioner was admitted to practice before the following United States District Courts, United
27 States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other
28

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 states on the dates indicated for each, and is presently a member in good standing of the bars of said

2 Courts: DATE ADMITTED

3 Illinois November 5, 1981

4 _____
5 _____
6 _____
7 _____

8 6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If
9 yes, give particulars; e.g., court, jurisdiction, date: No

10 _____
11 _____

12 7. Is Petitioner currently subject to any disciplinary proceedings by any organization with
13 authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline
14 authority, date, status: No

15 _____
16 _____

17 8. Has Petitioner ever received public discipline including, but not limited to, suspension or
18 disbarment, by any organization with authority to discipline attorneys at law? You must answer yes
19 or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

20 _____
21 _____

22 9. Has Petitioner ever had any certificate or privilege to appear and practice before any
23 regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give
24 particulars, e.g. date, administrative body, date of suspension or reinstatement: No

25 _____
26 _____

27 _____
28 _____

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars:

No

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hac*)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
<u>None</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:
(must be the same as the signature on the Nevada Counsel consent page)

Lawrence J. Smith 6505,
First Name Middle Name Last Name NV Bar #

who has offices at BERTOLDO BAKER CARTER & SMITH,
Firm Name/Company

7408 W. Sahara Avenue, Las Vegas, Nevada
Street Address City County

89117, (702) 228-2600
Zip Code Phone Number

13. The following accurately represents the na

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

BERTOLDO BAKER CARTER & SMITH
 7408 West Sahara Avenue
 Las Vegas, Nevada 89117
 702-228-2600 • Fax 702-228-2333

NAME	MAILING ADDRESS
Philip and Marlene Udall, Plaintiffs	45 Woodstock Close Hedge End Southampton SO30 0NG UK
Attorneys for Plaintiffs:	
Gary C. Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Anita Porte Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Lawrence J. Smith, Esq.	BERTOLDO BAKER CARTER & SMITH 7408 W. Sahara Avenue Las Vegas, Nevada 89117
Matthew Hecker, Defendant	4550 Karen Avenue, Apt. 132 Las Vegas, Nevada 89121
Daniel Friedman, Defendant	6257 Overhang Avenue Henderson, Nevada 89011
Brenda Halvorson, Defendant	1265 Airport Road Boulder City, Nevada 89005
Geoffrey Edlund, Defendant	1453 Foothills Village Drive Henderson, Nevada 89012
Elling B. Halvorson, Defendant	5 Club Vista Henderson, Nevada 89052
John Becker, Defendant	1265 Airport Road Boulder City, Nevada 89005
Elling Kent Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034
Lon A. Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034

1	Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Defendant	275 E. Tropicana Avenue Suite 155 Las Vegas, Nevada 89109
2		
3	Airbus Helicopters, S.A.S., Defendant	Aeroport International Marseille Provence 13725 Marignane – Cedex – France.
4		
5	Airbus Helicopters, Inc., Defendant	2701 Forum Drive Grand Prairie, Texas 75053
6		
7	XEBEC LLC, Defendant	12515 Willows Road NE Kirkland, Washington 98034
8		
9	Scott Booth, Defendant	770 Santiago Avenue Long Beach, California 90804
10		

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and
15 (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of
16 Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully
17 requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES
18 OF THIS MATTER ONLY.

19
20
21
22
23
24
25
26
27
28

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice
in this jurisdiction and that the client has consented to such representation.

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

I, Gary C. Rupp,
Print Petitioner Name do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 27th day of March, 2018

Petitioner/Affiant (blue ink)

STATE OF Missouri)
COUNTY OF Jackson) ss

Subscribed and sworn to before me

this 27th day of March, 2018

Notary Public

DEBRA L. ISRAEL
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires July 17, 2021
Commission # 13446278

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

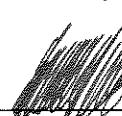
- (a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.
- (b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.
- (c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Lawrence J. Smith hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27th day of March, 20 18


Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of March, 20 18

Susan C. Fox

Notary Public

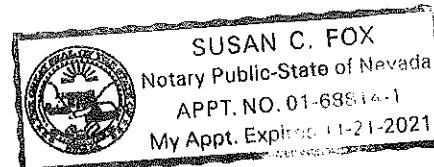


EXHIBIT 2

EXHIBIT 2



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
www.iardc.org

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Gary C. Robb
Robb & Robb LLC
One Kansas City Place
1200 Main Street, Suite 3900
Kansas City, MO 64105

Chicago
Thursday, March 08, 2018

Re: Gary Charles Robb
Attorney No. 6181314

To Whom It May Concern:

We have received a request for written verification of the status of Gary Charles Robb for use by officials responsible for the review of the attorney's application for admission to the bar of another jurisdiction, or for a judicial position or for government employment. We have also received a Waiver and Authorization signed by the attorney. Pursuant to Commission policy, the following information is provided.

The records of the Clerk of the Supreme Court of Illinois and of this office reflect that Gary Charles Robb was admitted to practice law in Illinois on 11/5/1981; is currently registered with this Commission and in good standing as an Illinois attorney; has never been disciplined or the subject of a disciplinary proceeding in this state; and is not the subject of any pending disciplinary investigations.

Very truly yours,
Jerome Larkin
Administrator

By:

Darryl R. Evans
Senior Deputy Registrar

DRE

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Betsy AuBuchon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 4/24/1982,

Gary Charles Robb

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 6th day of March, 2018.

A handwritten signature in black ink that reads "Betsy AuBuchon".

Clerk of the Supreme Court of Missouri

EXHIBIT 3

EXHIBIT 3

1 STAT

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 Case No. A-18-770467-C
8 Dept. No. XIII

9
10 Mary Riggs

11 vs.

12 Matthew Hecker

13 /

14
15

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
42 (3) (b)

16 THE STATE BAR OF NEVADA, in response to the application of
17 Petitioner, submits the following statement pursuant to SCR42(3):

18 SCR42(6)**Discretion**. The granting or denial of a motion to associate
19 counsel pursuant to this rule by the court is discretionary. The
20 court, arbitrator, mediator, or administrative or governmental
21 hearing officer may revoke the authority of the person permitted to
22 appear under this rule. Absent special circumstances, repeated
23 appearances by any person or firm of attorneys pursuant to this rule
24 shall be cause for denial of the motion to associate such person.

25 (a) **Limitation**. It shall be presumed, absent special
26 circumstances, and only upon showing of good cause, that
27 more than 5 appearances by any attorney granted under
28 this rule in a 3-year period is excessive use of this
 rule.

1. DATE OF APPLICATION: March 23, 2018

2. APPLYING ATTORNEY: Gary Charles Robb, Esq.

3. FIRM NAME AND ADDRESS: Robb & Robb, LLC, One Kansas City Place,
Suite 3900, 1200 Main Street, Kansas City, MO 64105

4. NEVADA COUNSEL OF RECORD: Lawrence J. Smith, Esq., Bertoldo
Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, NV 89117
5. There is no record of previous applications for appearance by
petitioner within the past three (3) years.

DATED this March 29, 2018

Suzy Moore
Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 4

EXHIBIT 4

VAPP

GARY C. ROBB¹
ANITA PORTE ROBB²
ROBB & ROBB LLC

One Kansas City Place
Suite 3900, 1200 Main Street
Kansas City, Missouri 64105
Telephone : (816) 474-8080
Facsimile : (816) 474-8081
E-mail : gcr@robbrobb.apr@robbrobb

LAWRENCE J. SMITH (NSB #6505)
BERTOLDO BAKER CARTER & SMITH
7408 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone : (702) 228-2600
Facsimile : (702) 228-2333
E-mail : lawre3@NVLegalJustice.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

MARY RIGGS, as Personal Representative of the
ESTATE OF JONATHAN NEAL UDALL, for the
benefit of the ESTATE OF JONATHAN NEAL
UDALL, and PHILIP AND MARLENE UDALL
as Next of Kin and Natural Parents of JONATHAN
NEIL UDALL, deceased.

CASE NO: A-18-770467-C
DEPT. NO: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

Plaintiffs,

vs.

MATTHEW HECKER, a Nevada resident;
DANIEL FRIEDMAN, a Nevada resident;
BRENDA HALVORSON, a Nevada resident;
GEOFFREY EDLUND, a Nevada resident;
ELLING B. HALVORSON, a Nevada resident;
JOHN BECKER, a Nevada resident; PAPILLON
ELLING KENT HALVORSON, a Washington
resident; LON A. HALVORSON, a Washington
resident; PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON ELICOPTERS, an
Arizona Corporation; AIRBUS HELICOPTERS,
S.A.S., a French Corporation; AIRBUS
HELICOPTERS, INC., a Delaware Corporation;

¹ Pro Hac Vice pending

² Pro Hac Vice pending

1 XEBEC LLC, a Washington Limited Liability
2 Company; and SCOTT BOOTH, a California
resident

6 Anita Porte Robb, Petitioner, respectfully represents:
7 First Middle Name Last

8 1. Petitioner resides at 5500 Ward Parkway
Street Address

9 9 Kansas City, Jackson, Missouri, 64105
10 City County State Zip Code

11 (816) 444-2822
Telephone

12 2. Petitioner is an attorney at law and a member of the law firm of: ROBB & ROBB LLC
13 with offices at One Kansas City Place, Suite 3900, 1200 Main Street
Street Address

14 15 Kansas City, Jackson, Missouri, 64105
City County State Zip Code

16 17 (816) 474-8080, apr@robbrobb.com
Telephone Email

18 3. Petitioner has been retained personally or as a member of the above named law firm by
19 Philip and Marlene Udall to provide legal
20 representation in connection with the above-entitled matter now pending before the above
21 referenced court.

22 23 4. Since September 23 of 1982, petitioner has been, and presently is, a
24 member of good standing of the bar of the highest court of the State of Missouri
25 where petitioner regularly practices law.

26 27 5. Petitioner was admitted to practice before the following United States District Courts, United
28 States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 states on the dates indicated for each, and is presently a member in good standing of the bars of said

2 Courts:

DATE ADMITTED

3 _____
4 _____
5 _____
6 _____
7 _____

8 6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If
9 yes, give particulars; e.g., court, jurisdiction, date: _____ No _____
10 _____
11 _____

12 7. Is Petitioner currently subject to any disciplinary proceedings by any organization with
13 authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline
14 authority, date, status: _____ No _____
15 _____
16 _____

17 8. Has Petitioner ever received public discipline including, but not limited to, suspension or
18 disbarment, by any organization with authority to discipline attorneys at law? You must answer yes
19 or no. If yes, give particulars, e.g. court, discipline authority, date, status: No _____
20 _____
21 _____

22 9. Has Petitioner ever had any certificate or privilege to appear and practice before any
23 regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give
24 particulars, e.g. date, administrative body, date of suspension or reinstatement: No _____
25 _____
26 _____
27 _____
28 _____

1 10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted
 2 to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary,
 3 disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars:
 4 No _____
 5
 6
 7

8 11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme
 9 Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not*
 10 *include Federal Pro Hacs*)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
None			

18 (If necessary, please attach a statement of additional applications)

19 12. Nevada Counsel of Record for Petition in this matter is:
 20 (must be the same as the signature on the Nevada Counsel consent page)

First Name	Middle Name	Last Name	NV Bar #
Lawrence	J.	Smith	6505

22 who has offices at BERTOLDO BAKER CARTER & SMITH,
 23 Firm Name/Company

Street Address	City	County
7408 W. Sahara Avenue 89117	Las Vegas	Nevada
Zip Code	Phone Number	

1 13. The following accurately represents the names and addresses of each party in this matter,
 2 WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each
 3 counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
Philip and Marlene Udall, Plaintiffs Attorneys for Plaintiffs:	45 Woodstock Close Hedge End Southampton SO30 0NG UK
Gary C. Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Anita Porte Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Lawrence J. Smith, Esq.	BERTOLDO BAKER CARTER & SMITH 7408 W. Sahara Avenue Las Vegas, Nevada 89117
Matthew Hecker, Defendant	4550 Karen Avenue, Apt. 132 Las Vegas, Nevada 89121
Daniel Friedman, Defendant	6257 Overhang Avenue Henderson, Nevada 89011
Brenda Halvorson, Defendant	1265 Airport Road Boulder City, Nevada 89005
Geoffrey Edlund, Defendant	1453 Foothills Village Drive Henderson, Nevada 89012
Elling B. Halvorson, Defendant	5 Club Vista Henderson, Nevada 89052
John Becker, Defendant	1265 Airport Road Boulder City, Nevada 89005
Elling Kent Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034

1	Lon A. Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034
2		
3	Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Defendant	275 E. Tropicana Avenue Suite 155 Las Vegas, Nevada 89109
4		
5	Airbus Helicopters, S.A.S., Defendant	Aeroport International Marseille Provence 13725 Marignane – Cedex – France.
6		
7	Airbus Helicopters, Inc., Defendant	2701 Forum Drive Grand Prairie, Texas 75053
8		
9	XEBEC LLC, Defendant	12515 Willows Road NE Kirkland, Washington 98034
10		
11	Scott Booth, Defendant	770 Santiago Avenue Long Beach, California 90804
12		

13 14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and
14 (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of
15 Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully
16 requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES
17 OF THIS MATTER ONLY.

18 15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice
19 in this jurisdiction and that the client has consented to such representation.

21
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28

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600• Fax 702-228-2333

I, Anita Parte-Robb,
Print Petitioner Name do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction of the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 27th day of March, 2018

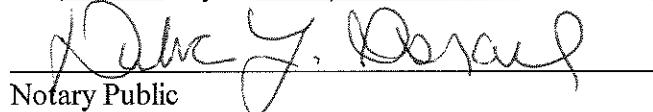


Petitioner/Affiant (blue ink)

STATE OF Missouri)
) ss
COUNTY OF Jackson)

Subscribed and sworn to before me

this 27th day of March, 2018



Notary Public

DEBRA L. ISRAEL
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires July 17, 2021
Commission # 13446278

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

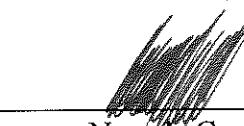
- (a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.
- (b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.
- (c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Lawrence J. Smith hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27th day of March, 20 18



Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of March, 20 18

Susan C. Fox

Notary Public

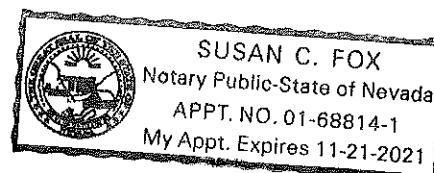


EXHIBIT 5

EXHIBIT 5

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Betsy AuBuchon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 9/23/1982,

Anita Porte Robb

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 6th day of March, 2018.

A handwritten signature in black ink that reads "Betsy AuBuchon".

Clerk of the Supreme Court of Missouri

EXHIBIT 6

EXHIBIT 6

1 STAT

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 Case No. A-18-770467-C
8 Dept. No. XIII

9
10 Mary Riggs

11 vs.

12 Matthew Hecker

13

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
14 **42(3)(b)**

15 THE STATE BAR OF NEVADA, in response to the application of
16 Petitioner, submits the following statement pursuant to SCR42(3):

17 SCR42(6)**Discretion**. The granting or denial of a motion to associate
18 counsel pursuant to this rule by the court is discretionary. The
19 court, arbitrator, mediator, or administrative or governmental
20 hearing officer may revoke the authority of the person permitted to
21 appear under this rule. Absent special circumstances, repeated
22 appearances by any person or firm of attorneys pursuant to this rule
23 shall be cause for denial of the motion to associate such person.

24 (a) **Limitation**. It shall be presumed, absent special
25 circumstances, and only upon showing of good cause, that
26 more than 5 appearances by any attorney granted under
27 this rule in a 3-year period is excessive use of this
28 rule.

1. DATE OF APPLICATION: March 23, 2018

2. APPLYING ATTORNEY: Anita Porte Robb, Esq.

3. FIRM NAME AND ADDRESS: Robb & Robb LLC, One Kansas City Place,
Suite 3900, 1200 Main Street, Kansas City, MO 64105

4. NEVADA COUNSEL OF RECORD: Lawrence J. Smith, Esq., Bertoldo
Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, NV 89117

5. There is no record of previous applications for appearance by petitioner within the past three (3) years.

DATED this March 29, 2018

Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 8

1 MASS

2 LAWRENCE J. SMITH (NSB #6505)
 BERTOLDO BAKER CARTER & SMITH
 3 7408 W. Sahara Avenue
 Las Vegas, Nevada 89117
 Telephone : (702) 228-2600
 Facsimile : (702) 228-2333
 E-mail : lawre3@NVLegalJustice.com
 Attorneys for Plaintiff

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 * * *

9 MARY RIGGS, as Personal Representative of the
 10 ESTATE OF JONATHAN NEAL UDALL, for the
 benefit of the ESTATE OF JONATHAN NEAL
 UDALL, and PHILIP AND MARLENE UDALL
 11 as Next of Kin and Natural Parents of JONATHAN
 NEAL UDALL, deceased,

12 Plaintiffs,

13 vs.

14 MATTHEW HECKER, a Nevada resident;
 DANIEL FRIEDMAN, a Nevada resident;
 15 BRENDA HALVORSON, a Nevada resident;
 GEOFFREY EDLUND, a Nevada resident;
 ELLING HALVORSON, a Nevada resident;
 JOHN BECKER, a Nevada resident; PAPILLON
 AIRWAYS, INC. d/b/a PAPILLON GRAND
 16 CANYON ELICOPTERS, an Arizona Corporation;
 AIRBUS HELICOPTERS, S.A.S., a French
 17 Corporation; AIRBUS HELICOPTERS, INC., a
 Delaware Corporation; XEBEC LLC, a
 18 Washington Limited Liability Company; and
 SCOTT BOOTH, a California resident,

19 Defendants.

20 CASE NO: A-18-770467-C
 DEPT. NO: XIII21 EX PARTE MOTION TO
 ASSOCIATE COUNSEL22 DATE OF HEARING:
 TIME OF HEARING:

23 Plaintiffs hereby move the Court for an Order permitting GARY C. ROBB and ANITA
 24 PORTE ROBB to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This
 Motion is supported by the attached "Verified Application for Association of Counsel" (Gary C.
 25 Robb) (**Exhibit 1**), "Certificates of Good Standing" from GARY C. ROBB (**Exhibit 2**), the State
 Bar of Nevada Statement (Gary C. Robb) (**Exhibit 3**), "Verified Application for Association of
 26

27

1 Counsel" (Anita Porte Robb) (**Exhibit 4**), "Certificates of Good Standing" from ANITA PORTE
2 ROBB (**Exhibit 5**), and the State Bar of Nevada Statement (Anita Porte Robb) (**Exhibit 6**).

3 FURTHERMORE, inasmuch as no appearance has been entered on behalf of Defendants,
4 Plaintiffs hereby submit along with the filing of this Ex Parte Motion a proposed Order for the
5 Court's review and signature.

6 DATED: March 30, 2018

BERTOLDO BAKER CARTER & SMITH

7 By:

8 
9 LAWRENCE J. SMITH (NSB #6505)
10 7408 W. Sahara Avenue
11 Las Vegas, Nevada 89117
12 Attorneys for Plaintiffs

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

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EXHIBIT 1

EXHIBIT 1

VAPP
GARY C. ROBB¹
ANITA PORTE ROBB²
ROBB & ROBB LLC
One Kansas City Place
Suite 3900, 1200 Main Street
Kansas City, Missouri 64105
Telephone : (816) 474-8080
Facsimile : (816) 474-8081
E-mail : gcr@robbrobb.com
apr@robbrobb.com

LAWRENCE J. SMITH (NSB #6505)
BERTOLDO BAKER CARTER & SMITH
7408 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone : (702) 228-2600
Facsimile : (702) 228-2333
E-mail : lawre3@NVLegalJustice.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

MARY RIGGS, as Personal Representative of the
ESTATE OF JONATHAN NEAL UDALL, for the
benefit of the ESTATE OF JONATHAN NEAL
UDALL, and PHILIP AND MARLENE UDALL
as Next of Kin and Natural Parents of JONATHAN
NEIL UDALL, deceased,

Plaintiffs,

vs.

MATTHEW HECKER, a Nevada resident;
DANIEL FRIEDMAN, a Nevada resident;
BRENDA HALVORSON, a Nevada resident;
GEOFFREY EDLUND, a Nevada resident;
ELLING B. HALVORSON, a Nevada resident;
JOHN BECKER, a Nevada resident; PAPILLON
ELLING KENT HALVORSON, a Washington
resident; LON A. HALVORSON, a Washington
resident; PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON ELICOPTERS, an
Arizona Corporation; AIRBUS HELICOPTERS,
S.A.S., a French Corporation; AIRBUS
HELICOPTERS, INC., a Delaware Corporation;

CASE NO: A-18-770467-C
DEPT. NO: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

¹ Pro Hac Vice pending
² Pro Hac Vice pending

1 XEBEC LLC, a Washington Limited Liability
2 Company; and SCOTT BOOTH, a California
resident

6 Gary Charles Robb , Petitioner, respectfully represents:
7 First Middle Name Last

8 1. Petitioner resides at 5500 Ward Parkway
Street Address

9 9 Kansas City , Jackson , Missouri , 64105
10 City County State Zip Code

11 11 (816) 444-2822
Telephone

12 12 2. Petitioner is an attorney at law and a member of the law firm of: ROBB & ROBB LLC
with offices at One Kansas City Place, Suite 3900, 1200 Main Street
Street Address

13 13 15 Kansas City , Jackson , Missouri , 64105
14 City County State Zip Code

15 15 (816) 474-8080 , gcr@robbrobb.com
16 Telephone Email

17 17 18 3. Petitioner has been retained personally or as a member of the above named law firm by
19 Philip and Marlene Udall to provide legal
20 representation in connection with the above-entitled matter now pending before the above
21 referenced court.

22 22 23 4. Since April 24 of 1982 , petitioner has been, and presently is, a member
24 of good standing of the bar of the highest court of the State of Missouri where
25 petitioner regularly practices law.

26 26 27 5. Petitioner was admitted to practice before the following United States District Courts, United
28 States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 states on the dates indicated for each, and is presently a member in good standing of the bars of said

2 Courts: DATE ADMITTED

3 Illinois November 5, 1981

4 _____
5 _____
6 _____
7 _____

8 6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If
9 yes, give particulars; e.g., court, jurisdiction, date: No

10 _____
11 _____

12 7. Is Petitioner currently subject to any disciplinary proceedings by any organization with
13 authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline
14 authority, date, status: No

15 _____
16 _____

17 8. Has Petitioner ever received public discipline including, but not limited to, suspension or
18 disbarment, by any organization with authority to discipline attorneys at law? You must answer yes
19 or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

20 _____
21 _____

22 9. Has Petitioner ever had any certificate or privilege to appear and practice before any
23 regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give
24 particulars, e.g. date, administrative body, date of suspension or reinstatement: No

25 _____
26 _____

27 _____
28 _____

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars:

No

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hacs*)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
<u>None</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:
(must be the same as the signature on the Nevada Counsel consent page)

Lawrence J. Smith 6505
First Name Middle Name Last Name NV Bar #

who has offices at BERTOLDO BAKER CARTER & SMITH,
Firm Name/Company

7408 W. Sahara Avenue, Las Vegas, Nevada
Street Address City County

89117, (702) 228-2600
Zip Code Phone Number

13. The following accurately represents the n

13. The following are usually performed by the laboratory:

WHETHER OR NOT REPRESENTED BY CO.

WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

BERTOLDO BAKER CARTER & SMITH
 7408 West Sahara Avenue
 Las Vegas, Nevada 89117
 702-228-2600 • Fax 702-228-2333

NAME	MAILING ADDRESS
Philip and Marlene Udall, Plaintiffs	45 Woodstock Close Hedge End Southampton SO30 0NG UK
Attorneys for Plaintiffs:	
Gary C. Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Anita Porte Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Lawrence J. Smith, Esq.	BERTOLDO BAKER CARTER & SMITH 7408 W. Sahara Avenue Las Vegas, Nevada 89117
Matthew Hecker, Defendant	4550 Karen Avenue, Apt. 132 Las Vegas, Nevada 89121
Daniel Friedman, Defendant	6257 Overhang Avenue Henderson, Nevada 89011
Brenda Halvorson, Defendant	1265 Airport Road Boulder City, Nevada 89005
Geoffrey Edlund, Defendant	1453 Foothills Village Drive Henderson, Nevada 89012
Elling B. Halvorson, Defendant	5 Club Vista Henderson, Nevada 89052
John Becker, Defendant	1265 Airport Road Boulder City, Nevada 89005
Elling Kent Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034
Lon A. Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034

1	Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Defendant	275 E. Tropicana Avenue Suite 155 Las Vegas, Nevada 89109
2		
3	Airbus Helicopters, S.A.S., Defendant	Aeroport International Marseille Provence 13725 Marignane – Cedex – France.
4		
5	Airbus Helicopters, Inc., Defendant	2701 Forum Drive Grand Prairie, Texas 75053
6		
7	XEBEC LLC, Defendant	12515 Willows Road NE Kirkland, Washington 98034
8		
9	Scott Booth, Defendant	770 Santiago Avenue Long Beach, California 90804
10		

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and
15 (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of
16 Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully
17 requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES
18 OF THIS MATTER ONLY.

19
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15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice
in this jurisdiction and that the client has consented to such representation.

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

I, Gary C. Rupp,
Print Petitioner Name do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 27th day of March, 2018



Petitioner/Affiant (blue ink)

STATE OF Missouri)
COUNTY OF Jackson) ss

Subscribed and sworn to before me

this 27th day of March, 2018



Notary Public

DEBRA L. ISRAEL
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires July 17, 2021
Commission # 13446278

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

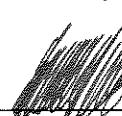
- (a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.
- (b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.
- (c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Lawrence J. Smith hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27th day of March, 20 18


Nevada Counsel of Record (blue ink)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of March, 20 18

Susan C. Fox

Notary Public

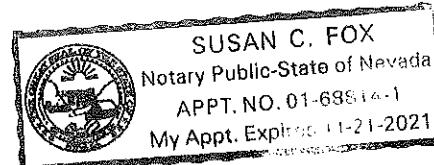


EXHIBIT 2

EXHIBIT 2



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
www.iardc.org

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Gary C. Robb
Robb & Robb LLC
One Kansas City Place
1200 Main Street, Suite 3900
Kansas City, MO 64105

Chicago
Thursday, March 08, 2018

Re: Gary Charles Robb
Attorney No. 6181314

To Whom It May Concern:

We have received a request for written verification of the status of Gary Charles Robb for use by officials responsible for the review of the attorney's application for admission to the bar of another jurisdiction, or for a judicial position or for government employment. We have also received a Waiver and Authorization signed by the attorney. Pursuant to Commission policy, the following information is provided.

The records of the Clerk of the Supreme Court of Illinois and of this office reflect that Gary Charles Robb was admitted to practice law in Illinois on 11/5/1981; is currently registered with this Commission and in good standing as an Illinois attorney; has never been disciplined or the subject of a disciplinary proceeding in this state; and is not the subject of any pending disciplinary investigations.

Very truly yours,
Jerome Larkin
Administrator

By:

Darryl R. Evans
Senior Deputy Registrar

DRE

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Betsy AuBuchon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 4/24/1982,

Gary Charles Robb

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 6th day of March, 2018.

A handwritten signature in black ink that reads "Betsy AuBuchon".

Clerk of the Supreme Court of Missouri

EXHIBIT 3

EXHIBIT 3

1 STAT

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 Case No. A-18-770467-C
7 Dept. No. XIII

8
9 Mary Riggs

10 vs.

11 Matthew Hecker

12 /

13

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE

14 42 (3) (b)

15 THE STATE BAR OF NEVADA, in response to the application of
16 Petitioner, submits the following statement pursuant to SCR42(3):

17 SCR42(6)**Discretion**. The granting or denial of a motion to associate
18 counsel pursuant to this rule by the court is discretionary. The
19 court, arbitrator, mediator, or administrative or governmental
20 hearing officer may revoke the authority of the person permitted to
21 appear under this rule. Absent special circumstances, repeated
22 appearances by any person or firm of attorneys pursuant to this rule
23 shall be cause for denial of the motion to associate such person.

24 (a) **Limitation**. It shall be presumed, absent special
25 circumstances, and only upon showing of good cause, that
26 more than 5 appearances by any attorney granted under
27 this rule in a 3-year period is excessive use of this
28 rule.

1. DATE OF APPLICATION: March 23, 2018

2. APPLYING ATTORNEY: Gary Charles Robb, Esq.

3. FIRM NAME AND ADDRESS: Robb & Robb, LLC, One Kansas City Place,
Suite 3900, 1200 Main Street, Kansas City, MO 64105

4. NEVADA COUNSEL OF RECORD: Lawrence J. Smith, Esq., Bertoldo
Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, NV 89117
5. There is no record of previous applications for appearance by
petitioner within the past three (3) years.

DATED this March 29, 2018

Suzy Moore
Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 4

EXHIBIT 4

1 **VAPP**

2 GARY C. ROBB¹

2 ANITA PORTE ROBB²

3 ROBB & ROBB LLC

3 One Kansas City Place

4 Suite 3900, 1200 Main Street

4 Kansas City, Missouri 64105

5 Telephone : (816) 474-8080

5 Facsimile : (816) 474-8081

6 E-mail : gcr@robbrobb.com

6 apr@robbrobb.com

7 LAWRENCE J. SMITH (NSB #6505)

7 BERTOLDO BAKER CARTER & SMITH

8 7408 W. Sahara Avenue

9 Las Vegas, Nevada 89117

9 Telephone : (702) 228-2600

9 Facsimile : (702) 228-2333

10 E-mail : lawre3@NVLegalJustice.com

11 Attorneys for Plaintiff

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 * * *

15 MARY RIGGS, as Personal Representative of the
16 ESTATE OF JONATHAN NEAL UDALL, for the
17 benefit of the ESTATE OF JONATHAN NEAL
18 UDALL, and PHILIP AND MARLENE UDALL
19 as Next of Kin and Natural Parents of JONATHAN
20 NEIL UDALL, deceased,

21 Plaintiffs,

22 vs.

23 MATTHEW HECKER, a Nevada resident;
24 DANIEL FRIEDMAN, a Nevada resident;
25 BRENDA HALVORSON, a Nevada resident;
26 GEOFFREY EDLUND, a Nevada resident;
27 ELLING B. HALVORSON, a Nevada resident;
28 JOHN BECKER, a Nevada resident; PAPILLON
29 ELLING KENT HALVORSON, a Washington
30 resident; LON A. HALVORSON, a Washington
31 resident; PAPILLON AIRWAYS, INC. d/b/a
32 PAPILLON GRAND CANYON ELICOPTERS, an
33 Arizona Corporation; AIRBUS HELICOPTERS,
34 S.A.S., a French Corporation; AIRBUS
35 HELICOPTERS, INC., a Delaware Corporation;

CASE NO: A-18-770467-C
DEPT. NO: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

1 Pro Hac Vice pending

2 Pro Hac Vice pending

1 XEBEC LLC, a Washington Limited Liability
2 Company; and SCOTT BOOTH, a California
resident

6 Anita Porte Robb, Petitioner, respectfully represents:
7 First Middle Name Last

8 1. Petitioner resides at 5500 Ward Parkway
Street Address

9 Kansas City, Jackson, Missouri, 64105
10 City County State Zip Code

11 (816) 444-2822
Telephone

12 2. Petitioner is an attorney at law and a member of the law firm of: ROBB & ROBB LLC
13 with offices at One Kansas City Place, Suite 3900, 1200 Main Street
Street Address

14 Kansas City, Jackson, Missouri, 64105
15 City County State Zip Code

16 (816) 474-8080, apr@robbrobb.com
17 Telephone Email

18 3. Petitioner has been retained personally or as a member of the above named law firm by
19 Philip and Marlene Udall to provide legal
20 representation in connection with the above-entitled matter now pending before the above
21 referenced court.

22 4. Since September 23 of 1982, petitioner has been, and presently is, a
23 member of good standing of the bar of the highest court of the State of Missouri
24 where petitioner regularly practices law.

25 5. Petitioner was admitted to practice before the following United States District Courts, United
26 States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other
27
28

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 states on the dates indicated for each, and is presently a member in good standing of the bars of said

2 Courts:

DATE ADMITTED

3 _____
4 _____
5 _____
6 _____
7 _____

8 6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If
9 yes, give particulars; e.g., court, jurisdiction, date: _____ No _____
10 _____
11 _____

12 7. Is Petitioner currently subject to any disciplinary proceedings by any organization with
13 authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline
14 authority, date, status: _____ No _____
15 _____
16 _____

17 8. Has Petitioner ever received public discipline including, but not limited to, suspension or
18 disbarment, by any organization with authority to discipline attorneys at law? You must answer yes
19 or no. If yes, give particulars, e.g. court, discipline authority, date, status: No _____
20 _____
21 _____

22 9. Has Petitioner ever had any certificate or privilege to appear and practice before any
23 regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give
24 particulars, e.g. date, administrative body, date of suspension or reinstatement: No _____
25 _____
26 _____
27 _____
28 _____

1 10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted
 2 to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary,
 3 disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars:
 4 No _____
 5
 6
 7

8 11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme
 9 Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not*
 10 *include Federal Pro Hacs*)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
None			

18 (If necessary, please attach a statement of additional applications)

19 12. Nevada Counsel of Record for Petition in this matter is:
 20 (must be the same as the signature on the Nevada Counsel consent page)

First Name	Middle Name	Last Name	NV Bar #
Lawrence	J.	Smith	6505

22 who has offices at BERTOLDO BAKER CARTER & SMITH,
 23 Firm Name/Company

Street Address	City	County
7408 W. Sahara Avenue 89117	Las Vegas	Nevada
Zip Code	Phone Number	

1 13. The following accurately represents the names and addresses of each party in this matter,
 2 WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each
 3 counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
Philip and Marlene Udall, Plaintiffs Attorneys for Plaintiffs:	45 Woodstock Close Hedge End Southampton SO30 0NG UK
Gary C. Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Anita Porte Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Lawrence J. Smith, Esq.	BERTOLDO BAKER CARTER & SMITH 7408 W. Sahara Avenue Las Vegas, Nevada 89117
Matthew Hecker, Defendant	4550 Karen Avenue, Apt. 132 Las Vegas, Nevada 89121
Daniel Friedman, Defendant	6257 Overhang Avenue Henderson, Nevada 89011
Brenda Halvorson, Defendant	1265 Airport Road Boulder City, Nevada 89005
Geoffrey Edlund, Defendant	1453 Foothills Village Drive Henderson, Nevada 89012
Elling B. Halvorson, Defendant	5 Club Vista Henderson, Nevada 89052
John Becker, Defendant	1265 Airport Road Boulder City, Nevada 89005
Elling Kent Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034

1	Lon A. Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034
2		
3	Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Defendant	275 E. Tropicana Avenue Suite 155 Las Vegas, Nevada 89109
4		
5	Airbus Helicopters, S.A.S., Defendant	Aeroport International Marseille Provence 13725 Marignane – Cedex – France.
6		
7	Airbus Helicopters, Inc., Defendant	2701 Forum Drive Grand Prairie, Texas 75053
8		
9	XEBEC LLC, Defendant	12515 Willows Road NE Kirkland, Washington 98034
10		
11	Scott Booth, Defendant	770 Santiago Avenue Long Beach, California 90804
12		

13 14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and
14 (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of
15 Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully
16 requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES
17 OF THIS MATTER ONLY.

18 15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice
19 in this jurisdiction and that the client has consented to such representation.

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BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600• Fax 702-228-2333

I, Anita Parte-Robb,
Print Petitioner Name do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 27th day of March, 2018

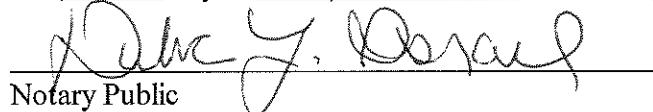


Petitioner/Affiant (blue ink)

STATE OF Missouri)
) ss
COUNTY OF Jackson)

Subscribed and sworn to before me

this 27th day of March, 2018



Notary Public

DEBRA L. ISRAEL
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires July 17, 2021
Commission # 13446278

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

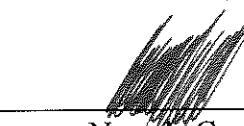
- (a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.
- (b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.
- (c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Lawrence J. Smith hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27th day of March, 20 18



Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of March, 20 18

Susan C. Fox

Notary Public

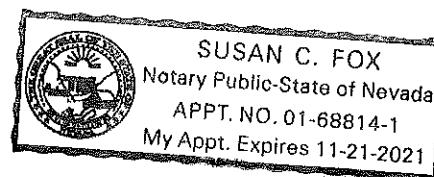


EXHIBIT 5

EXHIBIT 5

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Betsy AuBuchon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 9/23/1982,

Anita Porte Robb

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 6th day of March, 2018.

A handwritten signature in black ink that reads "Betsy AuBuchon".

Clerk of the Supreme Court of Missouri

EXHIBIT 6

EXHIBIT 6

1 STAT

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 Case No. A-18-770467-C
8 Dept. No. XIII

9
10 Mary Riggs

11 vs.

12 Matthew Hecker

13

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE

14 **42(3)(b)**

15 THE STATE BAR OF NEVADA, in response to the application of
16 Petitioner, submits the following statement pursuant to SCR42(3):

17 SCR42(6)**Discretion**. The granting or denial of a motion to associate
18 counsel pursuant to this rule by the court is discretionary. The
19 court, arbitrator, mediator, or administrative or governmental
20 hearing officer may revoke the authority of the person permitted to
21 appear under this rule. Absent special circumstances, repeated
22 appearances by any person or firm of attorneys pursuant to this rule
23 shall be cause for denial of the motion to associate such person.

24 (a) **Limitation**. It shall be presumed, absent special
25 circumstances, and only upon showing of good cause, that
26 more than 5 appearances by any attorney granted under
27 this rule in a 3-year period is excessive use of this
28 rule.

1. DATE OF APPLICATION: March 23, 2018

2. APPLYING ATTORNEY: Anita Porte Robb, Esq.

3. FIRM NAME AND ADDRESS: Robb & Robb LLC, One Kansas City Place,
Suite 3900, 1200 Main Street, Kansas City, MO 64105

4. NEVADA COUNSEL OF RECORD: Lawrence J. Smith, Esq., Bertoldo
Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, NV 89117

5. There is no record of previous applications for appearance by petitioner within the past three (3) years.

DATED this March 29, 2018

Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 9

Electronically Filed

4/9/2018 9:41 AM

Steven D. Grierson

CLERK OF THE COURT

Attorney or Party without Attorney: BERTOLDO BAKER CARTER & SMITH LAWRENCE J. SMITH (SBN 6505) 7408 W. SAHARA AVENUE LAS VEGAS, NV 89117 Telephone No: (702) 228-2600				
Attorney For: PLAINTIFFS		Ref. No. or File No.: 20786-18		
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT, CLARK COUNTY, NEVADA				
Plaintiff: MARY RIGGS, etc., et al., Defendant: MATTHEW HECKER, et al.,				
AFFIDAVIT OF SERVICE	Hearing Date: 4/11/2018	Time: 10:00 A.M.	Dept/Div:	Case Number: A-18-770467-C

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUBPOENA DUCES TECUM
3. a. Party served: CUSTODIAN OF RECORDS FOR CLARK COUNTY CORONER
b. Person served: DUSTIN CHACON, ADMINISTRATIVE ASSISTANT, AUTHORIZED TO ACCEPT
4. Address where the party was served: 1704 PINTO LANE, LAS VEGAS, NV 89106
5. I served the party:
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Fri, Mar 23 2018 (2) at: 11:05 AM
b. I received this subpoena for service on: Mar 22, 2018
6. Witness fees were offered or demanded, and paid: \$0.00

I Declare under penalty of perjury under the laws of the State of NEVADA that the foregoing is true and correct.

7. Person Who Served Papers:

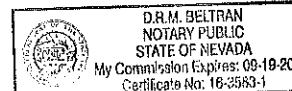
- a. Leidy Serna (R-029907, Clark)
- b. FIRST LEGAL
NEVADA PI/PS LICENSE 1452
2920 N. GREEN VALLEY PARKWAY, SUITE 514
HENDERSON, NV 89014
c. (702) 671-4002

(Date)

(Signature)

8. STATE OF NEVADA, COUNTY OF Clark Subscribed and sworn to (or affirmed) before on this 3 day of April, 2018 by Leidy Serna (R-029907, Clark) proved to me on the basis of satisfactory evidence to be the person who appeared before me.

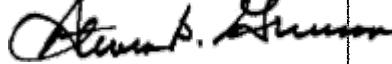
(Notary Signature)

2123326
(55071036)

AFFIDAVIT OF SERVICE

EXHIBIT 10

Electronically Filed
4/13/2018 9:34 AM
Steven D. Grierson
CLERK OF THE COURT


ACSR

GARY C. ROBB¹
ANITA PORTE ROBB²
ROBB & ROBB LLC
One Kansas City Place
Suite 3900
1200 Main Street
Kansas City, Missouri 64105
Telephone : (816) 474-8080
Facsimile : (816) 474-8081
E-mail : gcr@robbrobb.com
apr@robbrobb.com

LAWRENCE J. SMITH (NSB #6505)
BERTOLDO BAKER CARTER & SMITH
7408 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone : (702) 228-2600
Facsimile : (702) 228-2333
E-mail : lawre3@NVLegalJustice.com

Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * *

MARY RIGGS, as Personal Representative of the
ESTATE OF JONATHAN NEIL UDALL, for the
benefit of the ESTATE OF JONATHAN NEIL
UDALL, and PHILIP AND MARLENE UDALL
as Next of Kin and Natural Parents of JONATHAN
NEIL UDALL, deceased,

Plaintiffs,

vs.

MATTHEW HECKER, a Nevada resident;
DANIEL FRIEDMAN, a Nevada resident;
BRENDA HALVORSON, a Nevada resident;
GEOFFREY EDLUND, a Nevada resident;
ELLING B. HALVORSON, a Nevada resident;
JOHN BECKER, a Nevada resident;
ELLING KENT HALVORSON, a Washington
resident; LON A. HALVORSON, a Washington
resident; PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON HELICOPTERS,
an Arizona Corporation; AIRBUS HELICOPTERS,
S.A.S., a French Corporation; AIRBUS

CASE NO: A-18-770467-C
DEPT. NO: 13

**ACCEPTANCE OF SERVICE OF
SUMMONS AND FIRST AMENDED
COMPLAINT**

¹ Pro Hac Vice pending

² Pro Hac Vice pending

1 HELICOPTERS, INC., a Delaware Corporation;
2 XEBEC LLC, a Washington Limited Liability
3 Company; and SCOTT BOOTH, a California
resident,

4 Defendants.

5 I, WILLIAM J. KATT with the law firm of WILSON ELSER MOSKOWITZ EDELMAN
6 & DICKER, LLP, counsel for Defendants MATTHEW HECKER, DANIEL FRIEDMAN,
7 BRENDA HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN
8 BECKER, ELLING KENT HALVORSON, LON A. HALVORSON, PAPILLON AIRWAYS,
9 INC. d/b/a PAPILLON GRAND CANYON HELICOPTERS, XEBEC LLC and SCOTT BOOTH,
10 hereby accept service of Summons and First Amended Complaint on behalf of Defendants
11 MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON, GEOFFREY
12 EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT HALVORSON, LON
13 A. HALVORSON, PAPILLON AIRWAYS, INC. d/b/a PAPILLON GRAND CANYON
14 HELICOPTERS, XEBEC LLC and SCOTT BOOTH.
15

16
17 DATED: April 13, 2018

18 WILSON ELSER MOSKOWITZ
19 EDELMAN & DICKER, LLP

20 By:

21 
22 WILLIAM J. KATT (Pending Pro Hac Vice)
23 740 North Plankinton Avenue, Suite 600
24 Milwaukee, Wisconsin 53203
25 Telephone: (414) 276-8816
26 william.katt@wilsonelser.com
27
28

EXHIBIT 11

Electronically Filed
4/16/2018 5:58 PM
Steven D. Grierson
CLERK OF THE COURT



1 **NOH**
 2 LAWRENCE J. SMITH (NSB #6505)
 3 BERTOLDO BAKER CARTER & SMITH
 4 7408 W. Sahara Avenue
 5 Las Vegas, Nevada 89117
 6 Telephone : (702) 228-2600
 7 Facsimile : (702) 228-2333
 8 E-mail : lawre3@NVLegalJustice.com

9 Attorneys for Plaintiff

10 **DISTRICT COURT**
 11 **CLARK COUNTY, NEVADA**

12 * * *

13 MARY RIGGS, as Personal Representative of the
 14 ESTATE OF JONATHAN NEAL UDALL, for the
 15 benefit of the ESTATE OF JONATHAN NEAL
 16 UDALL, and PHILIP AND MARLENE UDALL
 17 as Next of Kin and Natural Parents of JONATHAN
 18 NEAL UDALL, deceased,

19 CASE NO: A-18-770467-C
 20 DEPT. NO: XIII

21 Plaintiffs,

22 **NOTICE OF HEARING**

23 vs.
 24 MATTHEW HECKER, a Nevada resident; et al.,
 25 Defendants.

26 DATE OF HEARING:
 27 TIME OF HEARING:

28 PLEASE TAKE NOTICE the undersigned will bring the attached **EX PARTE MOTION**
 29 **TO ASSOCIATE COUNSEL** on for hearing before the this Honorable Court on the 24 day
 30 of May, 2018 at 9:00 A.M., or as soon thereafter as counsel can
 31 be heard.

32 DATED: April 13, 2018

33 BERTOLDO BAKER CARTER & SMITH

34 By: LAWRENCE J. SMITH

35 LAWRENCE J. SMITH (NSB #6505)
 36 7408 W. Sahara Avenue
 37 Las Vegas, Nevada 89117
 38 Attorneys for Plaintiffs

1 MASS

2 LAWRENCE J. SMITH (NSB #6505)
 BERTOLDO BAKER CARTER & SMITH
 3 7408 W. Sahara Avenue
 Las Vegas, Nevada 89117
 Telephone : (702) 228-2600
 Facsimile : (702) 228-2333
 E-mail : lawre3@NVLegalJustice.com
 4 Attorneys for Plaintiff

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 * * *

8 MARY RIGGS, as Personal Representative of the
 9 ESTATE OF JONATHAN NEAL UDALL, for the
 benefit of the ESTATE OF JONATHAN NEAL
 10 UDALL, and PHILIP AND MARLENE UDALL
 11 as Next of Kin and Natural Parents of JONATHAN
 NEAL UDALL, deceased,

12 Plaintiffs,

13 vs.

14 MATTHEW HECKER, a Nevada resident;
 DANIEL FRIEDMAN, a Nevada resident;
 15 BRENDA HALVORSON, a Nevada resident;
 GEOFFREY EDLUND, a Nevada resident;
 ELLING HALVORSON, a Nevada resident;
 JOHN BECKER, a Nevada resident; PAPILLON
 16 AIRWAYS, INC. d/b/a PAPILLON GRAND
 CANYON ELICOPTERS, an Arizona Corporation;
 AIRBUS HELICOPTERS, S.A.S., a French
 17 Corporation; AIRBUS HELICOPTERS, INC., a
 Delaware Corporation; XEBEC LLC, a
 18 Washington Limited Liability Company; and
 SCOTT BOOTH, a California resident,

19 Defendants.

20 CASE NO: A-18-770467-C
 DEPT. NO: XIII21 EX PARTE MOTION TO
 ASSOCIATE COUNSEL22 DATE OF HEARING:
 TIME OF HEARING:

23 Plaintiffs hereby move the Court for an Order permitting GARY C. ROBB and ANITA
 24 PORTE ROBB to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This
 Motion is supported by the attached "Verified Application for Association of Counsel" (Gary C.
 25 Robb) (**Exhibit 1**), "Certificates of Good Standing" from GARY C. ROBB (**Exhibit 2**), the State
 Bar of Nevada Statement (Gary C. Robb) (**Exhibit 3**), "Verified Application for Association of
 26

27

28

1 Counsel" (Anita Porte Robb) (**Exhibit 4**), "Certificates of Good Standing" from ANITA PORTE
2 ROBB (**Exhibit 5**), and the State Bar of Nevada Statement (Anita Porte Robb) (**Exhibit 6**).

3 FURTHERMORE, inasmuch as no appearance has been entered on behalf of Defendants,
4 Plaintiffs hereby submit along with the filing of this Ex Parte Motion a proposed Order for the
5 Court's review and signature.

6 DATED: March 30, 2018

BERTOLDO BAKER CARTER & SMITH

7 By:

8 
9 LAWRENCE J. SMITH (NSB #6505)
10 7408 W. Sahara Avenue
11 Las Vegas, Nevada 89117
12 Attorneys for Plaintiffs

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

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28

EXHIBIT 1

EXHIBIT 1

VAPP
GARY C. ROBB¹
ANITA PORTE ROBB²
ROBB & ROBB LLC
One Kansas City Place
Suite 3900, 1200 Main Street
Kansas City, Missouri 64105
Telephone : (816) 474-8080
Facsimile : (816) 474-8081
E-mail : gcr@robbrobb.com
apr@robbrobb.com

LAWRENCE J. SMITH (NSB #6505)
BERTOLDO BAKER CARTER & SMITH
7408 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone : (702) 228-2600
Facsimile : (702) 228-2333
E-mail : lawre3@NVLegalJustice.com

Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MARY RIGGS, as Personal Representative of the
ESTATE OF JONATHAN NEAL UDALL, for the
benefit of the ESTATE OF JONATHAN NEAL
UDALL, and PHILIP AND MARLENE UDALL
as Next of Kin and Natural Parents of JONATHAN
NEAL UDALL, deceased,

Plaintiffs,

VS.

MATTHEW HECKER, a Nevada resident;
DANIEL FRIEDMAN, a Nevada resident;
BRENDA HALVORSON, a Nevada resident;
GEOFFREY EDLUND, a Nevada resident;
ELLING B. HALVORSON, a Nevada resident;
JOHN BECKER, a Nevada resident; PAPILLON
ELLING KENT HALVORSON, a Washington
resident; LON A. HALVORSON, a Washington
resident; PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON ELICOPTERS, an
Arizona Corporation; AIRBUS HELICOPTERS,
S.A.S., a French Corporation; AIRBUS
HELICOPTERS, INC., a Delaware Corporation;

CASE NO: A-18-770467-C
DEPT. NO: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

¹ Pro Hac Vice pending
² Pro Hac Vice pending

1 XEBEC LLC, a Washington Limited Liability
2 Company; and SCOTT BOOTH, a California
resident

3

4

5 Gary Charles Robb, Petitioner, respectfully represents:

6 First Middle Name Last

7 1. Petitioner resides at 5500 Ward Parkway
8 Street Address

9 Kansas City, Jackson, Missouri, 64105
10 City County State Zip Code

11 (816) 444-2822.
12 Telephone

13 2. Petitioner is an attorney at law and a member of the law firm of: ROBB & ROBB LLC
14 with offices at One Kansas City Place, Suite 3900, 1200 Main Street
15 Street Address

16 Kansas City, Jackson, Missouri, 64105
17 City County State Zip Code

18 (816) 474-8080, gcr@robbrobb.com
19 Telephone Email

20 3. Petitioner has been retained personally or as a member of the above named law firm by
21 Philip and Marlene Udall to provide legal
22 representation in connection with the above-entitled matter now pending before the above
23 referenced court.

24 4. Since April 24 of 1982, petitioner has been, and presently is, a member
25 of good standing of the bar of the highest court of the State of Missouri where
petitioner regularly practices law.

26 5. Petitioner was admitted to practice before the following United States District Courts, United
27 States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other
28

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 states on the dates indicated for each, and is presently a member in good standing of the bars of said

2 Courts: DATE ADMITTED

3 Illinois November 5, 1981

4 _____
5 _____
6 _____
7 _____

8 6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If
9 yes, give particulars; e.g., court, jurisdiction, date: No

10 _____
11 _____

12 7. Is Petitioner currently subject to any disciplinary proceedings by any organization with
13 authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline
14 authority, date, status: No

15 _____
16 _____

17 8. Has Petitioner ever received public discipline including, but not limited to, suspension or
18 disbarment, by any organization with authority to discipline attorneys at law? You must answer yes
19 or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

20 _____
21 _____

22 9. Has Petitioner ever had any certificate or privilege to appear and practice before any
23 regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give
24 particulars, e.g. date, administrative body, date of suspension or reinstatement: No

25 _____
26 _____

27 _____
28 _____

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars:

No

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hacs*)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
<u>None</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:
(must be the same as the signature on the Nevada Counsel consent page)

Lawrence J. Smith 6505,
First Name Middle Name Last Name NV Bar #

who has offices at BERTOLDO BAKER CARTER & SMITH,
Firm Name/Company

89117, (702) 228-2600
Zip Code Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

BERTOLDO BAKER CARTER & SMITH
 7408 West Sahara Avenue
 Las Vegas, Nevada 89117
 702-228-2600 • Fax 702-228-2333

NAME	MAILING ADDRESS
Philip and Marlene Udall, Plaintiffs	45 Woodstock Close Hedge End Southampton SO30 0NG UK
Attorneys for Plaintiffs:	
Gary C. Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Anita Porte Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Lawrence J. Smith, Esq.	BERTOLDO BAKER CARTER & SMITH 7408 W. Sahara Avenue Las Vegas, Nevada 89117
Matthew Hecker, Defendant	4550 Karen Avenue, Apt. 132 Las Vegas, Nevada 89121
Daniel Friedman, Defendant	6257 Overhang Avenue Henderson, Nevada 89011
Brenda Halvorson, Defendant	1265 Airport Road Boulder City, Nevada 89005
Geoffrey Edlund, Defendant	1453 Foothills Village Drive Henderson, Nevada 89012
Elling B. Halvorson, Defendant	5 Club Vista Henderson, Nevada 89052
John Becker, Defendant	1265 Airport Road Boulder City, Nevada 89005
Elling Kent Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034
Lon A. Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034

1	Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Defendant	275 E. Tropicana Avenue Suite 155 Las Vegas, Nevada 89109
2		
3	Airbus Helicopters, S.A.S., Defendant	Aeroport International Marseille Provence 13725 Marignane – Cedex – France.
4		
5	Airbus Helicopters, Inc., Defendant	2701 Forum Drive Grand Prairie, Texas 75053
6		
7	XEBEC LLC, Defendant	12515 Willows Road NE Kirkland, Washington 98034
8		
9	Scott Booth, Defendant	770 Santiago Avenue Long Beach, California 90804
10		

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and
15 (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of
16 Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully
17 requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES
18 OF THIS MATTER ONLY.

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15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice
in this jurisdiction and that the client has consented to such representation.

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

I, Gary C. Rupp,
Print Petitioner Name do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 27th day of March, 2018



Petitioner/Affiant (blue ink)

STATE OF Missouri)
COUNTY OF Jackson) ss

Subscribed and sworn to before me

this 27th day of March, 2018



Notary Public

DEBRA L. ISRAEL
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires July 17, 2021
Commission # 13446278

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Lawrence J. Smith hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27th day of March, 20 18


Nevada Counsel of Record (blue ink)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of March, 20 18

Susan C. Fox

Notary Public

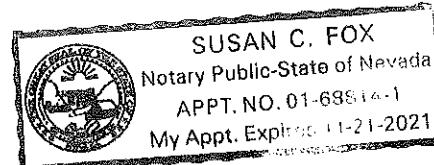


EXHIBIT 2

EXHIBIT 2



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
www.iardc.org

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Gary C. Robb
Robb & Robb LLC
One Kansas City Place
1200 Main Street, Suite 3900
Kansas City, MO 64105

Chicago
Thursday, March 08, 2018

Re: Gary Charles Robb
Attorney No. 6181314

To Whom It May Concern:

We have received a request for written verification of the status of Gary Charles Robb for use by officials responsible for the review of the attorney's application for admission to the bar of another jurisdiction, or for a judicial position or for government employment. We have also received a Waiver and Authorization signed by the attorney. Pursuant to Commission policy, the following information is provided.

The records of the Clerk of the Supreme Court of Illinois and of this office reflect that Gary Charles Robb was admitted to practice law in Illinois on 11/5/1981; is currently registered with this Commission and in good standing as an Illinois attorney; has never been disciplined or the subject of a disciplinary proceeding in this state; and is not the subject of any pending disciplinary investigations.

Very truly yours,
Jerome Larkin
Administrator

By:

Darryl R. Evans
Senior Deputy Registrar

DRE

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Betsy AuBuchon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 4/24/1982,

Gary Charles Robb

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 6th day of March, 2018.

A handwritten signature in black ink that reads "Betsy AuBuchon".

Clerk of the Supreme Court of Missouri

EXHIBIT 3

EXHIBIT 3

1 STAT

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 Case No. A-18-770467-C
8 Dept. No. XIII

9
10 Mary Riggs

11 vs.

12 Matthew Hecker

13 /

14
15

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
42 (3) (b)

16 THE STATE BAR OF NEVADA, in response to the application of
17 Petitioner, submits the following statement pursuant to SCR42(3):

18 SCR42(6)**Discretion**. The granting or denial of a motion to associate
19 counsel pursuant to this rule by the court is discretionary. The
20 court, arbitrator, mediator, or administrative or governmental
21 hearing officer may revoke the authority of the person permitted to
22 appear under this rule. Absent special circumstances, repeated
23 appearances by any person or firm of attorneys pursuant to this rule
24 shall be cause for denial of the motion to associate such person.

25 (a) **Limitation**. It shall be presumed, absent special
26 circumstances, and only upon showing of good cause, that
27 more than 5 appearances by any attorney granted under
28 this rule in a 3-year period is excessive use of this
 rule.

1. DATE OF APPLICATION: March 23, 2018

2. APPLYING ATTORNEY: Gary Charles Robb, Esq.

3. FIRM NAME AND ADDRESS: Robb & Robb, LLC, One Kansas City Place,
Suite 3900, 1200 Main Street, Kansas City, MO 64105

4. NEVADA COUNSEL OF RECORD: Lawrence J. Smith, Esq., Bertoldo
Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, NV 89117
5. There is no record of previous applications for appearance by
petitioner within the past three (3) years.

DATED this March 29, 2018

Suzy Moore
Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 4

EXHIBIT 4

1 **VAPP**

2 GARY C. ROBB¹

2 ANITA PORTE ROBB²

3 ROBB & ROBB LLC

3 One Kansas City Place

4 Suite 3900, 1200 Main Street

4 Kansas City, Missouri 64105

5 Telephone : (816) 474-8080

5 Facsimile : (816) 474-8081

6 E-mail : gcr@robbrobb.com

6 apr@robbrobb.com

7 LAWRENCE J. SMITH (NSB #6505)

7 BERTOLDO BAKER CARTER & SMITH

8 7408 W. Sahara Avenue

9 Las Vegas, Nevada 89117

9 Telephone : (702) 228-2600

9 Facsimile : (702) 228-2333

10 E-mail : lawre3@NVLegalJustice.com

11 Attorneys for Plaintiff

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 * * *

15 MARY RIGGS, as Personal Representative of the
16 ESTATE OF JONATHAN NEAL UDALL, for the
17 benefit of the ESTATE OF JONATHAN NEAL
18 UDALL, and PHILIP AND MARLENE UDALL
19 as Next of Kin and Natural Parents of JONATHAN
20 NEIL UDALL, deceased,

21 Plaintiffs,

22 vs.

23 MATTHEW HECKER, a Nevada resident;
24 DANIEL FRIEDMAN, a Nevada resident;
25 BRENDA HALVORSON, a Nevada resident;
26 GEOFFREY EDLUND, a Nevada resident;
27 ELLING B. HALVORSON, a Nevada resident;
28 JOHN BECKER, a Nevada resident; PAPILLON
29 ELLING KENT HALVORSON, a Washington
30 resident; LON A. HALVORSON, a Washington
31 resident; PAPILLON AIRWAYS, INC. d/b/a
32 PAPILLON GRAND CANYON ELICOPTERS, an
33 Arizona Corporation; AIRBUS HELICOPTERS,
34 S.A.S., a French Corporation; AIRBUS
35 HELICOPTERS, INC., a Delaware Corporation;

CASE NO: A-18-770467-C
DEPT. NO: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

1 Pro Hac Vice pending

2 Pro Hac Vice pending

1 XEBEC LLC, a Washington Limited Liability
2 Company; and SCOTT BOOTH, a California
resident

5
6 Anita Porte Robb, Petitioner, respectfully represents:
7 First Middle Name Last

8 1. Petitioner resides at 5500 Ward Parkway
Street Address

9 9 Kansas City, Jackson, Missouri, 64105
10 City County State Zip Code

11 (816) 444-2822
Telephone

12 2. Petitioner is an attorney at law and a member of the law firm of: ROBB & ROBB LLC
13 with offices at One Kansas City Place, Suite 3900, 1200 Main Street
Street Address

14 15 Kansas City, Jackson, Missouri, 64105
City County State Zip Code

16 17 (816) 474-8080, apr@robbrobb.com
Telephone Email

18 3. Petitioner has been retained personally or as a member of the above named law firm by
19 Philip and Marlene Udall to provide legal
20 representation in connection with the above-entitled matter now pending before the above
21 referenced court.

22 23 4. Since September 23 of 1982, petitioner has been, and presently is, a
24 member of good standing of the bar of the highest court of the State of Missouri
25 where petitioner regularly practices law.

26 5. Petitioner was admitted to practice before the following United States District Courts, United
27 States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other
28

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 states on the dates indicated for each, and is presently a member in good standing of the bars of said

2 Courts:

DATE ADMITTED

3 _____
4 _____
5 _____
6 _____
7 _____

8 6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If
9 yes, give particulars; e.g., court, jurisdiction, date: _____ No _____
10 _____
11 _____

12 7. Is Petitioner currently subject to any disciplinary proceedings by any organization with
13 authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline
14 authority, date, status: _____ No _____
15 _____
16 _____

17 8. Has Petitioner ever received public discipline including, but not limited to, suspension or
18 disbarment, by any organization with authority to discipline attorneys at law? You must answer yes
19 or no. If yes, give particulars, e.g. court, discipline authority, date, status: No _____
20 _____
21 _____

22 9. Has Petitioner ever had any certificate or privilege to appear and practice before any
23 regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give
24 particulars, e.g. date, administrative body, date of suspension or reinstatement: No _____
25 _____
26 _____
27 _____
28 _____

1 10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted
 2 to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary,
 3 disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars:
 4 No _____
 5
 6
 7

8 11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme
 9 Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not*
 10 *include Federal Pro Hacs*)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
None			

18 (If necessary, please attach a statement of additional applications)

19 12. Nevada Counsel of Record for Petition in this matter is:
 20 (must be the same as the signature on the Nevada Counsel consent page)

First Name	Middle Name	Last Name	NV Bar #
Lawrence	J.	Smith	6505

22 who has offices at BERTOLDO BAKER CARTER & SMITH,
 23 Firm Name/Company

Street Address	City	County
7408 W. Sahara Avenue 89117	Las Vegas	Nevada
Zip Code	Phone Number	

1 13. The following accurately represents the names and addresses of each party in this matter,
 2 WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each
 3 counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
Philip and Marlene Udall, Plaintiffs Attorneys for Plaintiffs:	45 Woodstock Close Hedge End Southampton SO30 0NG UK
Gary C. Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Anita Porte Robb, Esq.	ROBB & ROBB LLC One Kansas City Place 1200 Main Street Suite 3900 Kansas City, Missouri 64105
Lawrence J. Smith, Esq.	BERTOLDO BAKER CARTER & SMITH 7408 W. Sahara Avenue Las Vegas, Nevada 89117
Matthew Hecker, Defendant	4550 Karen Avenue, Apt. 132 Las Vegas, Nevada 89121
Daniel Friedman, Defendant	6257 Overhang Avenue Henderson, Nevada 89011
Brenda Halvorson, Defendant	1265 Airport Road Boulder City, Nevada 89005
Geoffrey Edlund, Defendant	1453 Foothills Village Drive Henderson, Nevada 89012
Elling B. Halvorson, Defendant	5 Club Vista Henderson, Nevada 89052
John Becker, Defendant	1265 Airport Road Boulder City, Nevada 89005
Elling Kent Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034

1	Lon A. Halvorson, Defendant	12515 Willows Road, NE Suite 200 Kirkland, Washington 98034
2		
3	Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Defendant	275 E. Tropicana Avenue Suite 155 Las Vegas, Nevada 89109
4		
5	Airbus Helicopters, S.A.S., Defendant	Aeroport International Marseille Provence 13725 Marignane – Cedex – France.
6		
7	Airbus Helicopters, Inc., Defendant	2701 Forum Drive Grand Prairie, Texas 75053
8		
9	XEBEC LLC, Defendant	12515 Willows Road NE Kirkland, Washington 98034
10		
11	Scott Booth, Defendant	770 Santiago Avenue Long Beach, California 90804
12		

13 14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and
14 (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of
15 Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully
16 requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES
17 OF THIS MATTER ONLY.

18 15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice
19 in this jurisdiction and that the client has consented to such representation.

21
22
23
24
25
26
27
28

BERTOLDO BAKER CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600• Fax 702-228-2333

I, Anita Parte-Robb,
Print Petitioner Name do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction of the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 27th day of March, 2018

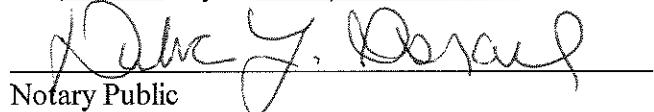


Petitioner/Affiant (blue ink)

STATE OF Missouri)
) ss
COUNTY OF Jackson)

Subscribed and sworn to before me

this 27th day of March, 2018



Notary Public

DEBRA L. ISRAEL
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires July 17, 2021
Commission # 13446278

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

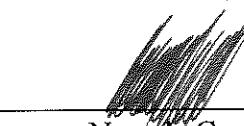
- (a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.
- (b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.
- (c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Lawrence J. Smith hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27th day of March, 20 18



Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of March, 20 18

Susan C. Fox

Notary Public

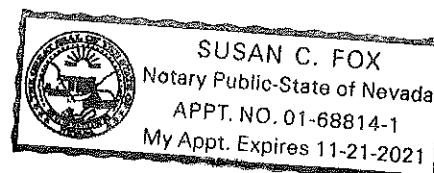


EXHIBIT 5

EXHIBIT 5

The Supreme Court of Missouri



*Certificate of Admission as an
Attorney at Law*

I, Betsy AuBuchon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 9/23/1982,

Anita Porte Robb

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 6th day of March, 2018.

A handwritten signature in black ink that reads "Betsy AuBuchon".

Clerk of the Supreme Court of Missouri

EXHIBIT 6

EXHIBIT 6

1 STAT

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 Case No. A-18-770467-C
8 Dept. No. XIII

9
10 Mary Riggs

11 vs.

12 Matthew Hecker

13

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE

14 **42(3)(b)**

15 THE STATE BAR OF NEVADA, in response to the application of
16 Petitioner, submits the following statement pursuant to SCR42(3):

17 SCR42(6)**Discretion**. The granting or denial of a motion to associate
18 counsel pursuant to this rule by the court is discretionary. The
19 court, arbitrator, mediator, or administrative or governmental
20 hearing officer may revoke the authority of the person permitted to
21 appear under this rule. Absent special circumstances, repeated
22 appearances by any person or firm of attorneys pursuant to this rule
23 shall be cause for denial of the motion to associate such person.

24 (a) **Limitation**. It shall be presumed, absent special
25 circumstances, and only upon showing of good cause, that
26 more than 5 appearances by any attorney granted under
27 this rule in a 3-year period is excessive use of this
28 rule.

1. DATE OF APPLICATION: March 23, 2018

2. APPLYING ATTORNEY: Anita Porte Robb, Esq.

3. FIRM NAME AND ADDRESS: Robb & Robb LLC, One Kansas City Place,
Suite 3900, 1200 Main Street, Kansas City, MO 64105

4. NEVADA COUNSEL OF RECORD: Lawrence J. Smith, Esq., Bertoldo
Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, NV 89117

5. There is no record of previous applications for appearance by petitioner within the past three (3) years.

DATED this March 29, 2018

Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 12

Electronically Filed
4/30/2018 1:01 PM
Steven D. Grierson

CLERK OF THE COURT
Steven D. Grierson

Attorney or Party without Attorney: Bertoldo Baker Carter & Smith Lawrence J. Smith (SBN 6505) 7408 West Sahara Avenue Las Vegas, NV 89117 Telephone No: (702) 228-2600				
Attorney for: Plaintiffs		Ref. No. or File No.: UDALL - 20786-18		
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT, CLARK COUNTY, NEVADA				
Plaintiff: MARY RIGGS, etc., et al., Defendant: MATTHEW HECKER, et al.				
AFFIDAVIT OF SERVICE	Hearing Date:	Time:	Dept/Div:	Case Number: A-18-770467-C

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons, First Amended Complaint (Helicopter Crash/Wrongful Death)
3. a. Party served: Airbus Helicopters, Inc., a Delaware Corporation - c/o National Registered Agents, Inc.
b. Person served: Lisa Kline, Clerk, National Registered Agents, Inc., Registered Agent, a person of suitable age and discretion at the most recent street address of the registered agent shown on the information filed with the Secretary of State.
4. Address where the party was served: National Registered Agents, Inc., Registered Agent
160 Greentree Drive, Suite 101, Dover, DE 19901
5. I served the party:
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Wed, Apr 18 2018 (2) at: 10:08 AM

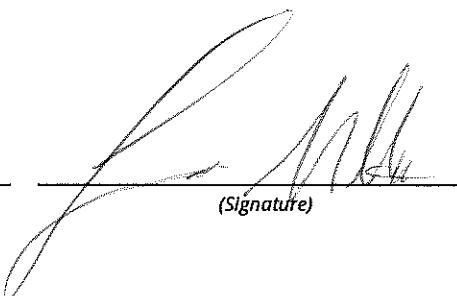
Fee for Service: \$0.00

I Declare under penalty of perjury under the laws of the State of NEVADA that the foregoing is true and correct.

6. Person Who Served Papers:

- a. Lori Millar ()
- b. FIRST LEGAL
NEVADA PI/PS LICENSE 1452
2920 N. GREEN VALLEY PARKWAY, SUITE 514
HENDERSON, NV 89014
- c. (702) 671-4002

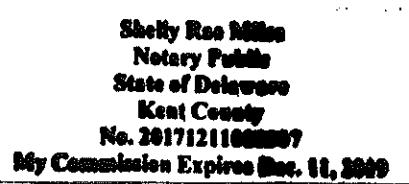
4/20/18
(Date)


(Signature)

Delaware

Kent

7. STATE OF NEVADA, COUNTY OF Kent
Subscribed and sworn to (or affirmed) before on this 20th day of April, 2018 by Lori Millar ()
proved to me on the basis of satisfactory evidence to be the person who appeared before me.




(Notary Signature)



AFFIDAVIT OF SERVICE

2202507
(55074084)

EXHIBIT 13

From: <tlb@pisanellibice.com>
Date: May 7, 2018 at 10:00:37 PM PDT
To: <gcr@robbrobb.com>
Subject: Riggs v. Airbus Helicopters, Inc.,

Gary: Thank you for the return call this morning. As indicated, we will be representing defendant Airbus Helicopters, Inc in Case No. A-18-770467-C. This email will confirm Plaintiffs' agreement to extend the response date for Airbus Helicopters, Inc to July 9, 2018. I appreciate the courtesy.

-- Todd.

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

EXHIBIT 14

Negligence - Other Negligence	COURT MINUTES	May 11, 2018
A-18-770467-C	Philip Udall, Plaintiff(s) vs. Matthew Hecker, Defendant(s)	

May 11, 2018 09:15 AM Minute Order

HEARD BY: Denton, Mark R. COURTRoom: RJC Courtroom 03D

COURT CLERK: Jacobson, Alice

RECORDER: Gerold, Jennifer

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Cause appearing, and pursuant to EDCR 2.20(e) and EDCR 2.23 (c), the Court GRANTS Plaintiffs Ex Parte Motion to Associate Counsel (Gary C. Robb, Esq. and Anita Porte Robb, Esq.) without oral argument and ORDERS such Motion removed from its civil motion calendar of Thursday, May 24, 2018. Counsel for Plaintiffs to submit the proposed order.

Pursuant to SCR 42(3)(c)(4), counsel for moving party is directed to promptly report to the State Bar of Nevada that an order has been entered herein permitting the subject association as counsel pro hac vice. A status check is set on Thursday, July 19, 2018 at 9:00 a.m. to insure compliance with this Minute Order. In the event counsel files a proof of compliance with this order before the status check, the same will be vacated. IT IS SO ORDERED.

CLERK'S NOTE: Minute order emailed to Attorneys/Parties: Lawrence J. Smith, Esq.
(702) 228-2333

EXHIBIT 15

1 IAFD

2 MARK C. SEVERINO

3 Nevada Bar No. 14117

4 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

5 300 South Fourth Street, 11th Floor

6 Las Vegas, NV 89101

7 (702) 727-1400; Fax: (702) 727-1401

8 Mark.Severino@wilsonelser.com

9 Attorneys for Defendants

10 MATTHEW HECKER, DANIEL FRIEDMAN,
 11 BRENDA HALVORSON, GEOFFREY EDLUND,
 12 ELLING B. HALVORSON, JOHN BECKER,
 13 ELLING KENT HALVORSON, LON A. HALVORSON, AND
 14 PAPILLON AIRWAYS, INC. D/B/A
 15 PAPILLON GRAND CANYON HELICOPTERS

16 DISTRICT COURT

17 CLARK COUNTY, NEVADA

18 MARY RIGGS, as Personal Representative of
 19 the ESTATE OF JONATHAN NEIL UDALL,
 20 for the benefit of the ESTATE OF JONATHAN
 21 NEIL UDALL, and PHILIP AND MARLENE
 22 UDALL as Next of Kin and Natural Parents of
 23 JONATHAN NEIL UDALL, deceased,

24 Plaintiffs,

25 v.

26 MATTHEW HECKER, DANIEL FRIEDMAN,
 27 BRENDA HALVORSON, GEOFFREY
 28 EDLUND, ELLING B. HALVORSON, JOHN
 BECKER, ELLING KENT HALVORSON,
 LON A. HALVORSON, PAPILLON
 AIRWAYS, INC. d/b/a PAPILLON GRAND
 CANYON HELICOPTERS, AIRBUS
 HELICOPTERS, S.A.S., AIRBUS
 HELICOPTERS, INC., XEBEC LLC, AND
 SCOTT BOOTH,

29 Defendants.

30 CASE NO.: A-18-770467-C
 DEPT. NO.: 1331 DEFENDANTS MATTHEW HECKER,
 32 DANIEL FRIEDMAN, BRENDA
 33 HALVORSON, GEOFFREY EDLUND,
 34 ELLING B. HALVORSON, JOHN
 35 BECKER, ELLING KENT HALVORSON,
 36 LON A. HALVORSON, AND PAPILLON
 37 AIRWAYS, INC. D/B/A PAPILLON GRAND
 38 CANYON HELICOPTERS INITIAL
 39 APPEARANCE FEE DISCLOSURE

**DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON,
GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT
HALVORSON, LON A. HALVORSON, AND PAPILLON AIRWAYS, INC. D/B/A
PAPILLON GRAND CANYON HELICOPTERS'
INITIAL APPEARANCE FEE DISCLOSURE**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above-entitled action as indicated below:

Defendants:	MATTHEW HECKER	\$223.00
	DANIEL FRIEDMAN	\$ 30.00
	BRENDA HALVORSON	\$ 30.00
	GEOFFREY EDLUND	\$ 30.00
	ELLING B. HALVORSON	\$ 30.00
	JOHN BECKER	\$ 30.00
	ELLING KENT HALVORSON	\$ 30.00
	LON A. HALVORSON	\$ 30.00
	PAPILLON AIRWAYS, INC.	
	D/B/A PAPILLON GRAND	
	CANYON HELICOPTERS	\$ 30.00

TOTAL REMITTED: \$463.00

DATED this 17th day of May, 2018.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

BY:

MARK C SEVERINO

Nevada Bar No. 14117

Nevada Bar No. 14,447
300 South Fourth Street 11th Floor

500 South Fourth Street
Las Vegas NV 89101

Las Vegas, NV 89101
Attorneys for Defendants

Attorneys for Defendants
MATTHEW HECKER

**MATTHEW HECKER,
EBERHARD FRIEDMAN, BRENDA**

FRIEDMAN, BRENDA HALVORSON
GEOFFREY EDLUND, ELLING R.

GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER

**HALVORSON, JOHN BECKER,
ELIJAH KENT HALVORSON, JR.**

ELLING KENT HALVORSON, L.C.
HALVORSON AND BABELLON

HALVORSON, AND PAPILLON
AIRWAYS, INC., R/P/A PAPILLON

AIRWAYS, INC. D/B/A PAPILLON
GRAND CANYON HELICOPTER

GRAND CANYON HELICOPTERS

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this 17 day of May, 2018, I served a true and correct copy of DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT HALVORSON, LON A. HALVORSON, PAPILLON AIRWAYS, INC. d/b/a PAPILLON GRAND CANYON HELICOPTERS' INITIAL APPEARANCE FEE DISCLOSURE as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- via hand-delivery to the addressees listed below;
- via facsimile;
- by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

Lawrence J. Smith, Esq.
BERTOLDO, BAKER, CARTER & SMITH
7408 West Sahara Avenue
Las Vegas, NV 89117
Attorneys for Plaintiff

BY

An Employee of WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

EXHIBIT 16

1 MASS

2 MARK C. SEVERINO

3 Nevada Bar No. 14117

4 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

5 300 South Fourth Street, 11th Floor

6 Las Vegas, NV 89101

7 (702) 727-1400; Fax: (702) 727-1401

8 Mark.Severino@wilsonelser.com

9 Attorneys for Defendants

10 MATTHEW HECKER, DANIEL FRIEDMAN,

11 BRENDA HALVORSON, GEOFFREY EDLUND,

12 ELLING B. HALVORSON, JOHN BECKER,

13 ELLING KENT HALVORSON, LON A. HALVORSON, AND

14 PAPILLON AIRWAYS, INC. D/B/A

15 PAPILLON GRAND CANYON HELICOPTERS

16 DISTRICT COURT

17 CLARK COUNTY, NEVADA

18 MARY RIGGS, as Personal Representative of
19 the ESTATE OF JONATHAN NEIL UDALL,
20 for the benefit of the ESTATE OF JONATHAN
21 NEIL UDALL, and PHILIP AND MARLENE
22 UDALL as Next of Kin and Natural Parents of
23 JONATHAN NEIL UDALL, deceased,

24 Plaintiffs,

25 v.

26 MATTHEW HECKER, DANIEL FRIEDMAN,
27 BRENDA HALVORSON, GEOFFREY
28 EDLUND, ELLING B. HALVORSON, JOHN
BECKER, ELLING KENT HALVORSON,
LON A. HALVORSON, PAPILLON
AIRWAYS, INC. d/b/a PAPILLON GRAND
CANYON HELICOPTERS, AIRBUS
HELICOPTERS, S.A.S., AIRBUS
HELICOPTERS, INC., XEBEC LLC, AND
SCOTT BOOTH,

Defendants.

CASE NO.: A-18-770467-C
DEPT. NO.: 13

DEFENDANTS MATTHEW HECKER,
DANIEL FRIEDMAN, BRENDA
HALVORSON, GEOFFREY EDLUND,
ELLING B. HALVORSON, JOHN
BECKER, ELLING KENT HALVORSON,
LON A. HALVORSON, AND PAPILLON
AIRWAYS, INC. D/B/A PAPILLON
GRAND CANYON HELICOPTERS
MOTION TO ASSOCIATE COUNSEL
PATRICK J. KEARNS, ESQ.

**DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON,
GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT
HALVORSON, LON A. HALVORSON, AND PAPILLON AIRWAYS, INC. D/B/A
PAPILLON GRAND CANYON HELICOPTERS MOTION TO ASSOCIATE COUNSEL
PATRICK J. KEARNS, ESQ.**

4 The Defendants, MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON,
5 GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT
6 HALVORSON, LON A. HALVORSON, PAPILLON AIRWAYS, INC. d/b/a PAPILLON GRAND
7 CANYON HELICOPTERS, by and through their attorneys of record, Wilson, Elser, Moskowitz,
8 Edelman & Dicker, LLP, by Mark C. Severino, hereby move the Court for an order permitting
9 PATRICK J. KEARNS, ESQ. to practice in Nevada pursuant to Nevada Supreme Court Rule 42
10 (SCR 42). This motion is supported by the attached, Verified Application for Association of
11 Counsel from Patrick J. Kearns, Esq. (Exhibit A), Certificate(s) of Good Standing from the State Bar
12 of California (Exhibit B), and the State Bar of Nevada Statement regarding Patrick J. Kearns, Esq.
13 (Exhibit C).
14

DATED this 17th day of May, 2018.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

BY:

MARK C. SEVERINO
Nevada Bar No. 14117
300 South Fourth Street, 11th Floor
Las Vegas, NV 89101
Attorneys for Defendants
**MATTHEW HECKER, DANIEL
FRIEDMAN, BRENDA HALVORSON,
GEOFFREY EDLUND, ELLING B.
HALVORSON, JOHN BECKER,
ELLING KENT HALVORSON, LON A.
HALVORSON, AND PAPILLON
AIRWAYS, INC. D/B/A PAPILLON
GRAND CANYON HELICOPTERS**

NOTICE OF MOTION

TO: ALL PARTIES

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing **DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT HALVORSON, LON A. HALVORSON, AND PAPILLON AIRWAYS, INC. D/B/A PAPILLON GRAND CANYON HELICOPTERS' MOTION TO ASSOCIATE COUNSEL PATRICK J. KEARNS, ESQ.** for hearing before the Court, Dept. 13, on the 18th

day of June 2018 at 9:00 am of said date, or soon thereafter as counsel may be heard.

DATED this 17th day of May, 2018.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

BY:

MARK C. SEVERINO

Nevada Bar No. 14117
300 South Fourth Street, 11th Floor
Las Vegas, NV 89101

Las Vegas, NV 89101
Attorneys for Defendants

Attorneys for Defendants
MATTHEW HECKER, DANIEL

MATTHEW HECKER

FRIEDMAN, BRENDA

GEOFFREY EDLUND, ELLING B.
HALVORSON, JOHN BECKER,
ELLING KENT HALVORSON, LON A.
HALVORSON, AND PAPILLON
AIRWAYS, INC. D/B/A PAPILLON
GRAND CANYON HELICOPTERS

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 NEVADA SUPREME COURT RULE 42(B)(2) STATES, IN PERTINENT PART:

3 A lawyer who has been retained to represent a client in this state in an action or proceeding
4 set forth in subsection 1(a) of this rule may file a written application to appear as counsel in that
5 action or proceeding if the following conditions are met:

6

7 (a) The lawyer is not a member of the State Bar of Nevada;
8 (b) The lawyer is not a resident of the State of Nevada;
9 (c) The lawyer is not regularly employed in the State of Nevada;
10 (d) The lawyer is not engaged in substantial business, professional, or other
activities in the State of Nevada;
11 (e) The lawyer is a member in good standing and eligible to practice before the
bar of any jurisdiction of the United States; and
12 (f) The lawyer associates an active member in good standing of the State Bar of
Nevada as counsel of record in the action or proceeding.

13 The above identified defendants have retained attorney Patrick J. Kearns, Esq. to represent
14 them as co-counsel in this action. Mr. Kearns meets the criteria set forth above for association into
15 Nevada to represent their interests. Pursuant to SCR 42(3)(c)(2), the instant motion is properly
16 supported with the original verified application, the original certificate(s) of good standing; and the
17 state bar statement. As such, Defendant requests that this motion to associate counsel be granted.

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26 ///

27 ///

28 1318389v.1

CONCLUSION

Defendants hereby respectfully request that the Court grant their motion to associate counsel and allow attorney Patrick J. Kearns, Esq. to represent them in this Nevada action.

DATED this 17th day of May, 2018.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

MARK C. SEVERINO

Nevada Bar No.: 14117
300 South 4th Street, 11th Floor
Las Vegas, NV 89101

Attorneys for Defendants

MATTHEW HECKER, DANIEL FRIEDMAN,
BRENDA HALVORSON, GEOFFREY
EDLUND, ELLING B. HALVORSON, JOHN
BECKER, ELLING KENT HALVORSON,
LON A. HALVORSON, AND PAPILLON
AIRWAYS, INC. D/B/A PAPILLON GRAND
CANYON HELICOPTERS

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Wilson Elser Moskowitz
3 Edelman & Dicker LLP, and that on this 17 day of May 2018, I served a true and
4 correct copy of **DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA**
5 **HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER,**
6 **ELLING KENT HALVORSON, LON A. HALVORSON, PAPILLON AIRWAYS, INC. d/b/a**
7 **PAPILLON GRAND CANYON HELICOPTERS' MOTION TO ASSOCIATE COUNSEL**
8 **PATRICK J. KEARNS, ESQ.** as follows:

9 by placing same to be deposited for mailing in the United States Mail, in a sealed
10 envelope upon which first class postage was prepaid in Las Vegas, Nevada;

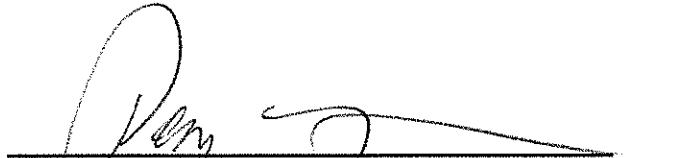
11 via electronic means by operation of the Court's electronic filing system, upon each
12 party in this case who is registered as an electronic case filing user with the Clerk;

13 via hand-delivery to the addressees listed below;

14 via facsimile;

15 by transmitting via email the document listed above to the email address set forth
16 below on this date before 5:00 p.m.

17
18 Lawrence J. Smith, Esq.
BERTOLDO, BAKER, CARTER & SMITH
19 7408 West Sahara Avenue
Las Vegas, NV 89117
20 Attorneys for Plaintiff

21 BY 
22

23 An Employee of WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
24
25
26
27
28

EXHIBIT “A”

EXHIBIT “A”

VAPP

DISTRICT COURT

CLARK COUNTY, NEVADA

MARY RIGGS, as Personal Representative of the
ESTATE OF JONATHAN NEIL UDALL, for the
benefit of the ESTATE OF JONATHAN NEIL
UDALL, and PHILIP AND MARLENE UDALL as
Next of Kin and Natural Parents of JONATHAN
NEIL UDALL, deceased,

Plaintiffs,

v.

MATTHEW HECKER, DANIEL FRIEDMAN,
BRENDA HALVORSON, GEOFFREY EDLUND,
ELLING B. HALVORSON, JOHN BECKER,
ELLING KENT HALVORSON, LON A.
HALVORSON, PAPILLON AIRWAYS, INC. d/b/a
PAPILLON GRAND CANYON HELICOPTERS,
AIRBUS HELICOPTERS, S.A.S.,
AIRBUS HELICOPTERS, INC.,
XEBC LLC, AND SCOTT BOOTH,

Defendants.

CASE NO.: A-18-770467-C
DEPT. NO.: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL UNDER
NEVADA SUPREME COURT RULE 42**

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

I, Patrick J. Kearns, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 3452 Arthur Avenue
Street Address

San Diego, San Diego, CA, 92116
City County State Zip Code
(619) 804-6458.
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Wilson Elser Moskowitz

Edelman & Dicker, LLP with offices at 401 West A Street, Suite 1900
Street Address

San Diego, San Diego, CA, 92101-8484
City County State Zip Code

(619) 321-6200, patrick.kearns@wilsonelser.com
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Defendants, Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent Halvorson, Lon A. Halvorson, Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters, Xebec LLC and Scott Booth to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since February of 2006, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of California where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said

<u>COURTS</u>	<u>DATE ADMITTED</u>
<u>State Bar of California</u>	<u>2/2/2006</u>
<u>US District – Central District of California</u>	<u>01/20/09</u>
<u>US District – Southern District of California</u>	<u>02/23/06</u>
<u>US Court of Appeals – Federal Circuit</u>	<u>01/22/14</u>
<u>US Court of Appeals – 9th Circuit</u>	<u>06/11/08</u>
<u>US Supreme Court</u>	<u>07/27/09</u>

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If

yes, give particulars; e.g., court, jurisdiction, date: No

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hacs*)

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
July 2015	Galaza v. Toogood	Eighth Judicial – Clark County	Granted
August 2015	Grover v. Maricondia, et al.,	Eighth Judicial – Clark County	Granted
April 2016	Harvey v. Toogood, et al.,	Eighth Judicial – Clark County	Granted

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

Mark	C	Severino	14117
First Name	Middle Name	Last Name	NV Bar #
who has offices at <u>Wilson, Elser, Moskowitz, Edelman & Dicker LLP</u>			
Firm Name/Company			
<u>300 South 4th Street – 11th Floor</u>	<u>Las Vegas, Nevada</u>	<u>Clark</u>	
Street Address	City	County	
<u>89101</u>	<u>(702) 727-1400</u>		
Zip Code	Phone Number		

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
Attorneys for Plaintiffs, Mary Riggs, as Personal Representative of the Estate Of Jonathan Neil Udall, for the benefit of the Estate Of Jonathan Neil Udall, and Philip And Marlene Udall as Next of Kin and Natural Parents of Jonathan Neil Udall, deceased	Robb & Robb, LLC One Kansas City Place Suite 3900 1200 Main Street Kansas City, Missouri, 64105 (816) 474-8080
Attorney for Plaintiffs, Mary Riggs, as Personal Representative of the Estate Of Jonathan Neil Udall, for the benefit of the Estate Of Jonathan Neil Udall, and Philip And Marlene Udall as Next of Kin and Natural Parents of Jonathan Neil Udall, deceased	Beroldo, Baker, Carter & Smith 7408 West Sahara Avenue Las Vegas, Nevada 89117 Telephone: (702) 228-2600
Airbus Helicopters, S.A.S.	Airbus Group SE PO Box 32008 2303 DA Leiden The Netherlands
Lawrence J. Smith, Esq.	

Airbus Helicopters, Inc.

2701 Forum Drive
Grand Prairie, Texas 75052

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Patrick J. Kearns, do hereby swear/affirm under penalty of perjury that the assertions
of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 24th day of April, 2018


Petitioner/Affiant (blue ink)

~~Subscribed and sworn to before me~~

this _____ day of _____, 20 _____

~~Notary Public~~

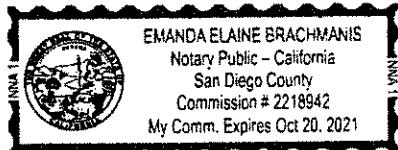
See attached certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego

Subscribed and sworn to (or affirmed) before me on this 24th
day of April, 2018, by Patrick J. Kearns

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to read "CJBL".

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

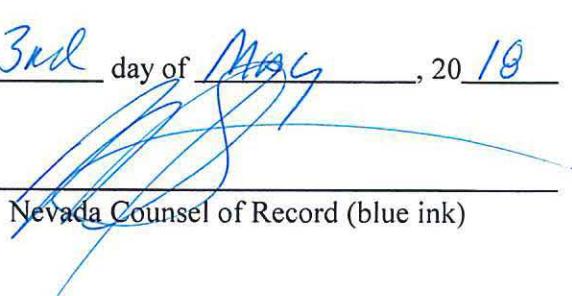
- (a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.
- (b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.
- (c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I MARK C. Saverino hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

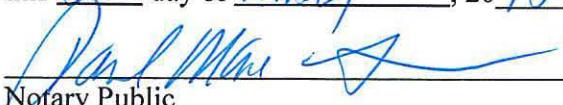
DATED this 3rd day of May, 20 18


Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
COUNTY OF CLARK) ss

Subscribed and sworn to before me

this 3rd day of May, 20 18


Notary Public

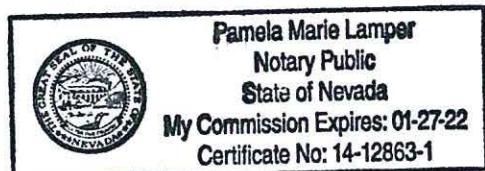


EXHIBIT “B”

EXHIBIT “B”



**THE STATE BAR
OF CALIFORNIA**

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

April 16, 2018

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, PATRICK JOSEPH KEARNS, #241602 was admitted to the practice of law in this state by the Supreme Court of California on February 2, 2006; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Dina DiLoreto".

Dina DiLoreto
Custodian of Membership Records

EXHIBIT “C”

EXHIBIT “C”

1 STAT

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 Case No. A-18-770467-C
5 Dept. No. XIII

6 Mary Riggs

7 vs.

8 Matthew Hecker

9 /
10 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
11 42(3)(b)

12 THE STATE BAR OF NEVADA, in response to the application of
13 Petitioner, submits the following statement pursuant to SCR42(3):

14 SCR42(6) **Discretion.** The granting or denial of a motion to associate
15 counsel pursuant to this rule by the court is discretionary. The
16 court, arbitrator, mediator, or administrative or governmental
17 hearing officer may revoke the authority of the person permitted to
18 appear under this rule. Absent special circumstances, repeated
appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

19 (a) **Limitation.** It shall be presumed, absent special
20 circumstances, and only upon showing of good cause, that
more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
rule.

21 (b) **Burden on applicant.** The applicant shall have the
22 burden to establish special circumstances and good cause
for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

23 1. DATE OF APPLICATION: May 8, 2018

24 2. APPLYING ATTORNEY: Patrick Joseph Kearns, Esq.

25 3. FIRM NAME AND ADDRESS: Wilson Elser Moskowitz Edelman & Dicker,
26 LLP, 401 West A Street, Suite 1900, San Diego, CA 92101

1 4. NEVADA COUNSEL OF RECORD: Mark Christopher Severino, Esq.,
2 Wilson Elser Moskowitz Edelman & Dicker, LLP, 300 S. 4th
3 Street, 11th Floor, Las Vegas, NV 89101

4
5 5. In addition to the present application, petitioner made the
6 following previous applications within the last three years:

7
8 07/20/2015 ADMISSION STATUS NOT REPORTED TO THE STATE BAR
9 08/10/2015 ADMISSION STATUS NOT REPORTED TO THE STATE BAR
10 02/01/2016 ADMISSION STATUS NOT REPORTED TO THE STATE BAR

11
12 DATED this May 11, 2018

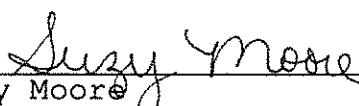
13
14 
15 Suzy Moore
16 Member Services Admin.
17 Pro Hac Vice Processor
18 STATE BAR OF NEVADA

EXHIBIT 17

1 MASS

2 MARK C. SEVERINO

Nevada Bar No. 14117

3 WILSON, ELSE, MOSKOWITZ, EDELMAN
& DICKER LLP

4 300 South Fourth Street, 11th Floor

Las Vegas, NV 89101

5 (702) 727-1400; Fax: (702) 727-1401

Mark.Severino@wilsonelser.com

6 Attorneys for Defendants

7 MATTHEW HECKER, DANIEL FRIEDMAN,
BRENDA HALVORSON, GEOFFREY EDLUND,
8 ELLING B. HALVORSON, JOHN BECKER,
ELLING KENT HALVORSON, LON A. HALVORSON, AND
9 PAPILLON AIRWAYS, INC. D/B/A
PAPILLON GRAND CANYON HELICOPTERS

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 MARY RIGGS, as Personal Representative of
the ESTATE OF JONATHAN NEIL UDALL,
13 for the benefit of the ESTATE OF JONATHAN
NEIL UDALL, and PHILIP AND MARLENE
UDALL as Next of Kin and Natural Parents of
JONATHAN NEIL UDALL, deceased,

14 Plaintiffs,

15 v.

16 MATTHEW HECKER, DANIEL FRIEDMAN,
BRENDA HALVORSON, GEOFFREY
EDLUND, ELLING B. HALVORSON, JOHN
BECKER, ELLING KENT HALVORSON,
17 LON A. HALVORSON, PAPILLON
AIRWAYS, INC. d/b/a PAPILLON GRAND
CANYON HELICOPTERS, AIRBUS
18 HELICOPTERS, S.A.S., AIRBUS
HELICOPTERS, INC., XEBEC LLC, AND
SCOTT BOOTH,

19 Defendants.

CASE NO.: A-18-770467-C
DEPT. NO.: 13

DEFENDANTS MATTHEW HECKER,
DANIEL FRIEDMAN, BRENDA
HALVORSON, GEOFFREY EDLUND,
ELLING B. HALVORSON, JOHN
BECKER, ELLING KENT HALVORSON,
LON A. HALVORSON, AND PAPILLON
AIRWAYS, INC. D/B/A PAPILLON
GRAND CANYON HELICOPTERS
MOTION TO ASSOCIATE COUNSEL
WILLIAM J. KATT, ESQ.

20 ///

**DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON,
GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT
HALVORSON, LON A. HALVORSON, AND PAPILLON AIRWAYS, INC. D/B/A
PAPILLON GRAND CANYON HELICOPTERS MOTION TO ASSOCIATE COUNSEL
WILLIAM J. KATT, ESQ.**

The Defendants, MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT HALVORSON, LON A. HALVORSON, PAPILLON AIRWAYS, INC. d/b/a PAPILLON GRAND CANYON HELICOPTERS, by and through their attorneys of record, Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, by Mark C. Severino, hereby move the Court for an order permitting WILLIAM J. KATT, ESQ. to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This motion is supported by the attached, Verified Application for Association of Counsel from William J. Katt, Esq. (Exhibit A), Certificate(s) of Good Standing from the State Bar of Wisconsin, State Bar of Minnesota, and State Bar of Illinois (Exhibit B), and the State Bar of Nevada Statement regarding William J. Katt, Esq. (Exhibit C).

DATED this 17th day of May, 2018.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

BY:

MARK C. SEVERINO

Nevada Bar No. 14117

300 South Fourth Street, 11th Floor

Las Vegas, NV 89101

Attnorneys for Defendants

MATTHEW HECKER

FRIEDMAN BRENDA

FRIEDMAN, BRENDA
GEOFFREY EDLUND

GEOFFREY EDEOURD, ELLING B.
HAL VORSON JOHN BECKER

HAEVORSON, JOHN BECKER,
ELIJAH KENT HAEVORSON JR.

**SELLING RENT HAL VORSON, INC.
HAL VORSON AND**

HALVORSON, AND PAPILLON AIRWAYS, INC.

**PAPILLON AIRWAYS
PAPILLON GRAND**

PAFILLON GRAND HELICOPTERS

HELICOPTERS

1
2 **NOTICE OF MOTION**
3

4 **TO: ALL PARTIES**
5

6 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will
7 bring the foregoing **DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA**
8 **HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER,**
9 **ELLING KENT HALVORSON, LON A. HALVORSON, AND PAPILLON AIRWAYS, INC.**
10 **D/B/A PAPILLON GRAND CANYON HELICOPTERS' MOTION TO ASSOCIATE**
11 **COUNSEL WILLIAM J. KATT, ESQ.** for hearing before the Court, Dept. 13, on the 18th day
12 of June 2018 at 9:00 am of said date, or soon thereafter as counsel may be heard.

13 DATED this 17th day of May, 2018.
14

15 **WILSON, ELSER, MOSKOWITZ,
16 EDELMAN & DICKER LLP**
17

18 BY:
19

20 
MARK C. SEVERINO
21 Nevada Bar No. 14117
22 300 South Fourth Street, 11th Floor
23 Las Vegas, NV 89101
24 Attorneys for Defendants
25 **MATTHEW HECKER, DANIEL**
26 **FRIEDMAN, BRENDA HALVORSON,**
27 **GEOFFREY EDLUND, ELLING B.**
28 **HALVORSON, JOHN BECKER,**
 ELLING KENT HALVORSON, LON A.
 HALVORSON, AND PAPILLON
 AIRWAYS, INC. D/B/A PAPILLON
 GRAND CANYON HELICOPTERS

1**MEMORANDUM OF POINTS AND AUTHORITIES**.....

2 NEVADA SUPREME COURT RULE 42(B)(2) STATES, IN PERTINENT PART:

3 A lawyer who has been retained to represent a client in this state in an action or proceeding
4 set forth in subsection 1(a) of this rule may file a written application to appear as counsel in that
5 action or proceeding if the following conditions are met:

6

7 (a) The lawyer is not a member of the State Bar of Nevada;
8 (b) The lawyer is not a resident of the State of Nevada;
9 (c) The lawyer is not regularly employed in the State of Nevada;
10 (d) The lawyer is not engaged in substantial business, professional, or other
activities in the State of Nevada;
11 (e) The lawyer is a member in good standing and eligible to practice before the
bar of any jurisdiction of the United States; and
12 (f) The lawyer associates an active member in good standing of the State Bar of
Nevada as counsel of record in the action or proceeding.

13 The above identified defendants have retained attorney William J. Katt, Esq. to represent
14 them as co-counsel in this action. Mr. Katt meets the criteria set forth above for association into
15 Nevada to represent their interests. Pursuant to SCR 42(3)(c)(2), the instant motion is properly
16 supported with the original verified application, the original certificate(s) of good standing; and the
17 state bar statement. As such, Defendant requests that this motion to associate counsel be granted.

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1
2 **CONCLUSION**
3

4 Defendants hereby respectfully request that the Court grant their motion to associate counsel
5 and allow attorney William J. Katt, Esq. to represent them in this Nevada action.
6

7 DATED this 17th day of May, 2018.
8

9 **WILSON, ELSER, MOSKOWITZ,
10 EDELMAN & DICKER LLP**
11



12

MARK C. SEVERINO
13

14 Nevada Bar No.: 14117
15 300 South 4th Street, 11th Floor
16 Las Vegas, NV 89101
17 Attorneys for Defendants
18

19 **MATTHEW HECKER, DANIEL FRIEDMAN,
20 BRENDA HALVORSON, GEOFFREY
21 EDLUND, ELLING B. HALVORSON, JOHN
22 BECKER, ELLING KENT HALVORSON,
23 LON A. HALVORSON, AND PAPILLON
24 AIRWAYS, INC. D/B/A PAPILLON GRAND
25 CANYON HELICOPTERS**
26

1**CERTIFICATE OF SERVICE**.....

2 Pursuant to NRCP 5(b), I certify that I am an employee of Wilson Elser Moskowitz
3 Edelman & Dicker LLP, and that on this 17th day of May 2018, I served a true and
4 correct copy of **DEFENDANTS MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA**
5 **HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER,**
6 **ELLING KENT HALVORSON, LON A. HALVORSON, PAPILLON AIRWAYS, INC. d/b/a**
7 **PAPILLON GRAND CANYON HELICOPTERS' MOTION TO ASSOCIATE COUNSEL**
8 **WILLIAM J. KATT, ESQ.** as follows:

9 by placing same to be deposited for mailing in the United States Mail, in a sealed
10 envelope upon which first class postage was prepaid in Las Vegas, Nevada;

11 via electronic means by operation of the Court's electronic filing system, upon each
12 party in this case who is registered as an electronic case filing user with the Clerk;

13 via hand-delivery to the addressees listed below;

14 via facsimile;

15 by transmitting via email the document listed above to the email address set forth
16 below on this date before 5:00 p.m.

17
18 Lawrence J. Smith, Esq.
19 BERTOLDO, BAKER, CARTER & SMITH
20 7408 West Sahara Avenue
Las Vegas, NV 89117
Attorneys for Plaintiff

21 BY

22 
23 An Employee of WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

EXHIBIT “A”

EXHIBIT “A”

VAPP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARY RIGGS, as Personal Representative of the ESTATE OF JONATHAN NEIL UDALL, for the benefit of the ESTATE OF JONATHAN NEIL UDALL, and PHILIP AND MARLENE UDALL as Next of Kin and Natural Parents of JONATHAN NEIL UDALL, deceased,

Plaintiffs,

v.

MATTHEW HECKER, DANIEL FRIEDMAN, BRENDA HALVORSON, GEOFFREY EDLUND, ELLING B. HALVORSON, JOHN BECKER, ELLING KENT HALVORSON, LON A. HALVORSON, PAPILLON AIRWAYS, INC. d/b/a PAPILLON GRAND CANYON HELICOPTERS, AIRBUS HELICOPTERS, S.A.S., AIRBUS HELICOPTERS, INC., XEBEC LLC, AND SCOTT BOOTH,

Defendants.

CASE NO.: A-18-770467-C
DEPT. NO.: 13

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

William J. Katt, Petitioner, respectfully represents:
First Middle Name Last
Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent Halvorson, Lon A. Halvorson, Xebec LLC, Scott Booth, and Papillon Airways, Inc., d/b/a Papillon Grand Canyon Helicopters

1. Petitioner resides at 1313 Franklin Place, # 1306
Street Address

Milwaukee, Milwaukee, WI, 53202
City County State Zip Code

(414) 333-2061
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Wilson Elser Moskowitz Edelman & Dicker LLP

with offices at 740 N. Plankinton Ave., Suite 600
Street Address

Milwaukee, Milwaukee, WI, 53203
City County State Zip Code

(414) 292-3018 william.katt@wilsonelser.com

—
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by
United States Aircraft Insurance Group (USAIG) to provide legal representation in
connection with the above-entitled matter now pending before the above referenced court.

4. Since May 21 of 1979, petitioner has been, and presently is, a member of good
standing of the bar of the highest court of the State of Wisconsin where petitioner
regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United
States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states
on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

State of Minnesota April 28, 2010

State of Illinois December 10, 2002

US Seventh Circuit Court of Appeals January 17, 1980

US Ninth Circuit Court of Appeals April 13, 2017

US District Court – Western District of Wisconsin May 21, 1979

US District Court – Eastern District of Wisconsin May 22, 1979

US District Court – Northern District of Illinois September 12, 2003

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: NO

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: NO

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: NO

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hacs*)

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>NONE</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:
(must be the same as the signature on the Nevada Counsel consent page)

Mark C. Severino
First Name Middle Name Last Name NV Bar #
who has offices at Wilson Elser Moskowitz Edelman & Dicker, LLP
Firm Name/Company
300 South 4th Street, 11th Floor, Las Vegas, NV (Clark County)
Street Address City County
89101, (702) 727-1252
Zip Code Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

Attorneys for Plaintiffs, Mary Riggs, as Personal Representative of the Estate Of Jonathan Neil Udall, for the benefit of the Estate Of Jonathan Neil Udall, and Philip And Marlene Udall as Next of Kin and Natural Parents of Jonathan Neil Udall, deceased

Gary C. Robb, Esq.
Anita Porte Robb, Esq.

Robb & Robb, LLC
One Kansas City Place
Suite 3900
1200 Main Street
Kansas City, Missouri, 64105
(816) 474-8080

Attorney for Plaintiffs, Mary Riggs, as Personal Representative of the Estate Of Jonathan Neil Udall, for the benefit of the Estate Of Jonathan Neil Udall, and Philip And Marlene Udall as Next of Kin and Natural Parents of Jonathan Neil Udall, deceased

Lawrence J. Smith, Esq.

Bertoldo, Baker, Carter & Smith
7408 West Sahara Avenue
Las Vegas, Nevada 89117
Telephone: (702) 228-2600

Airbus Helicopters, S.A.S.

Airbus Group SE
PO Box 32008
2303 DA Leiden The Netherlands

Airbus Helicopters, Inc.

2701 Forum Drive
Grand Prairie, Texas 75052

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, William J. Katt,
Petitioner Name
do hereby swear/affirm under penalty of perjury that the assertions
of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 12th day of April, 2018

Meret

Petitioner/Affiant (blue ink)

STATE OF Wisconsin)
COUNTY OF Milwaukee) ss

Subscribed and sworn to before me

this 18th day of April, 20 18

BETH VANENGEN
Notary Public



Exp. 10-1-2021

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

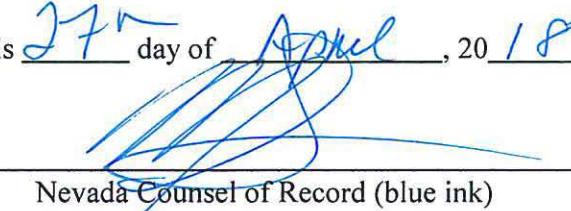
- (a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.
- (b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.
- (c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I MARK C. Servino hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

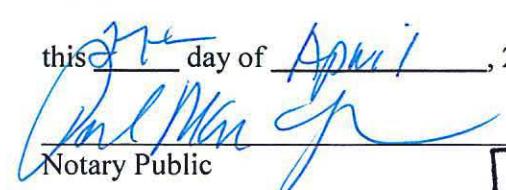
DATED this 27th day of April, 20 18


Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
COUNTY OF CLARK) ss

Subscribed and sworn to before me

this 27th day of April, 20 18


Notary Public

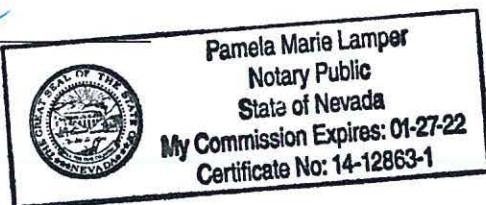


EXHIBIT “B”

EXHIBIT “B”



WISCONSIN SUPREME COURT

OFFICE OF THE CLERK

110 E. Main Street, Suite 215

P.O. Box 1688

Madison, WI 53701-1688

Telephone: 608-266-1880

TTY: 800-947-3529

Fax: 608-267-0640

<http://www.wicourts.gov>

Sheila T. Reiff
Clerk

CERTIFICATE OF GOOD STANDING

I, Christopher J. Paulsen, Chief Deputy Clerk of the Supreme Court of Wisconsin certify that the records of this office show that:

WILLIAM J. KATT

was admitted to practice as an attorney within this state on May 21, 1979 and is presently in good standing in this court.

Dated: April 3, 2018

A handwritten signature in blue ink that reads "Christopher J. Paulsen".
CHRISTOPHER J. PAULSEN
Chief Deputy Clerk of Supreme Court

**STATE OF MINNESOTA
IN SUPREME COURT**

Certificate of Good Standing

This is to certify that the following lawyer is in good standing.

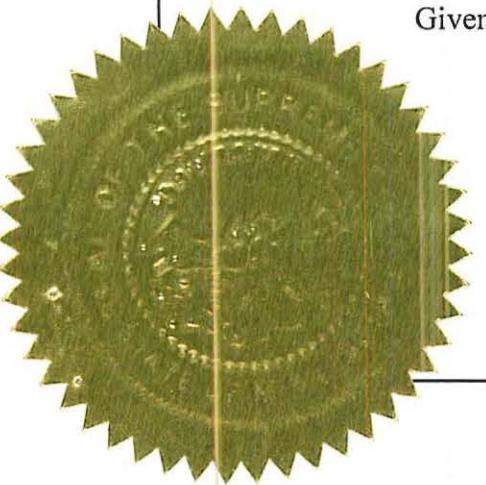
WILLIAM JAMES KATT

was duly admitted to practice as a lawyer and counselor at law in all the courts of this state on

April 28, 2010

Given under my hand and seal of this court on

March 29, 2018



Emily J. Eschweiler

Emily J. Eschweiler, Director
Office of Lawyer Registration

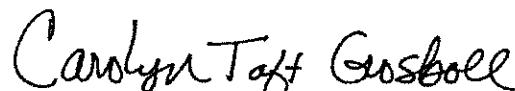
Certificate of Admission To the Bar of Illinois

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

William J. Katt

has been duly licensed and admitted to practice as an Attorney and Counselor at Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on 12/10/2002 and is in good standing, so far as the records of this office disclose.

IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed the
seal of said Court, this 2nd day of
April, 2018.



Clerk,
Supreme Court of the State of Illinois

EXHIBIT “C”

EXHIBIT “C”

1 STAT

2
3 **DISTRICT COURT**
CLARK COUNTY, NEVADA

4 Case No. A-18-770467-C
Dept. No. XIII

5
6 Philip and Marlene Udall

7 vs.

8 Matthew Hecker

9
10

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
42 (3) (b)

11
12 THE STATE BAR OF NEVADA, in response to the application of
Petitioner, submits the following statement pursuant to SCR42(3):

13
14 **SCR42(6) Discretion.** The granting or denial of a motion to associate
counsel pursuant to this rule by the court is discretionary. The
court, arbitrator, mediator, or administrative or governmental
hearing officer may revoke the authority of the person permitted to
appear under this rule. Absent special circumstances, repeated
appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

15
16 (a) **Limitation.** It shall be presumed, absent special
circumstances, and only upon showing of good cause, that
more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
rule.

17 (b) **Burden on applicant.** The applicant shall have the
burden to establish special circumstances and good cause
for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

18
19 1. DATE OF APPLICATION: May 1, 2018

20
21 2. APPLYING ATTORNEY: William James Katt, Esq.

22
23 3. FIRM NAME AND ADDRESS: Wilson Elser Moskowitz Edelman & Dicker,
LLP, 740 N. Plankinton Ave., Suite 600, Milwaukee, WI 53203

1 4. NEVADA COUNSEL OF RECORD: Mark Christopher Severino, Esq.,
2 Wilson Elser Moskowitz Edelman & Dicker, LLP, 300 S. 4th
3 Street, 11th Floor, Las Vegas, NV 89101

4
5
6 5. There is no record of previous applications for appearance by
7 petitioner within the past three (3) years.

8
9 DATED this May 7, 2018

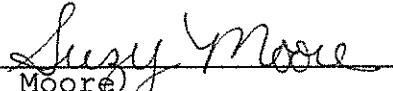
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Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 18

Case Information

A-18-770467-C | Philip Udall, Plaintiff(s) vs. Matthew Hecker, Defendant(s)

Case Number	Court	Judicial Officer
A-18-770467-C	Department 13	Denton, Mark R.
File Date	Case Type	Case Status
03/02/2018	Negligence - Other	Open
	Negligence	

Party

Plaintiff
Udall, Philip

Active Attorneys▼
Lead Attorney
Smith, Lawrence J.
Retained

Plaintiff
Udall, Marlene

Active Attorneys▼
Lead Attorney
Smith, Lawrence J.
Retained

Plaintiff
Estate of Jonathan Neal Udall

Active Attorneys▼
Lead Attorney
Smith, Lawrence J.
Retained

Personal Representative (Participant)
Riggs, Mary

Active Attorneys▼
Lead Attorney
Smith, Lawrence J.
Retained

Hecker, Matthew

Lead Attorney
Severino, Mark C
Retained

Friedman, Daniel

Lead Attorney
Severino, Mark C
Retained

Halvorson, Brenda

Lead Attorney
Severino, Mark C
Retained

Edlund, Geoffrey

Lead Attorney
Severino, Mark C
Retained

Halvorson, Elling

Lead Attorney
Severino, Mark C
Retained

Becker, John

Lead Attorney
Severino, Mark C
Retained

Papillon Airways, Inc

Lead Attorney
Severino, Mark C

Case 2:18-cv-00912-JCM-GWF Document 1-2 Filed 05/18/18 Page 350 of 356

Aliases

Retained

DBA Papillon Grand Canyon Helicopters

Defendant

Airbus Helicopters, S.A.S.

Defendant

Airbus Helicopters, Inc.

Defendant

XEBEC, LLC

Defendant

Booth, Scott

Defendant

Halvorson, Elling Kent

Active Attorneys▼

Lead Attorney
Severino, Mark C
Retained

Defendant

Halvorson, Lon A.

Active Attorneys▼

Lead Attorney
Severino, Mark C
Retained

Defendant

Halvorson, Elling B.

Events and Hearings

03/02/2018 Initial Appearance Fee Disclosure ▾

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

Initial Appearance Fee Disclosure

03/02/2018 Complaint ▾

Complaint - COMP (CIV)

Comment

Complaint (Helicopter Crash/Wrongful Death) / Arbitration

Exemption Claimed: Extraordinary Relief / Jury Demanded

03/09/2018 Amended Complaint ▾

Amended Complaint - ACOM (CIV)

Comment

First Amended Complaint (Helicopter Crash/Wrongful Death)

03/21/2018 Affidavit of Service ▾

Affidavit of Service - AOS (CIV)

Comment

Affidavit of Service (Friedman)

03/21/2018 Affidavit of Service ▾

Affidavit of Service - AOS (CIV)

Comment

Affidavit of Service (Papillon Airways)

03/30/2018 Motion to Associate Counsel ▾

Motion to Associate Counsel - MASS (CIV)

Comment

Ex Parte Motion to Associate Counsel

04/02/2018 Motion to Associate Counsel ▾

Motion to Associate Counsel - MASS (CIV)

Comment

Ex Parte Motion to Associate Counsel

04/09/2018 Affidavit of Service ▾

Case 2:18-cv-00912-JCM-GWF Document 1-2 Filed 05/18/18 Page 352 of 356

Affidavit of Service - AOS (CIV)

Comment

Affidavit of Service - Clark County Coroner

04/13/2018 Acceptance of Service ▾

Acceptance of Service - ACSR (CIV)

Comment

Acceptance of Service

04/16/2018 Notice of Hearing ▾

Notice of Hearing - NOH (CIV)

Comment

Notice of Hearing

04/30/2018 Affidavit of Service ▾

Affidavit of Service - AOS (CIV)

Comment

Affidavit of Service (Airbus Helicopters, Inc.)

05/11/2018 Minute Order ▾

Minutes - Minute Order

Judicial Officer

Denton, Mark R.

Hearing Time

9:15 AM

Result

Minute Order - No Hearing Held

05/17/2018 Initial Appearance Fee Disclosure ▾

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent Halvorson, Lon A. Halvorson, and Papillon Airways, Inc. d/b/a Papillon Grand Canyon Helicopters Initial Appearance Fee Disclosure

05/17/2018 Motion to Associate Counsel ▾

Motion to Associate Counsel - MASS (CIV)

Comment

Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker,

Case 2:18-cv-00912-JCM-GWF Document 1-2 Filed 05/18/18 Page 353 of 356

Elling Kent Halvorson, Lon A. Halvorson, and Papillon Airways,
Inc. d/b/a Papillon Grand Canyon Helicopters Motion to
Associate Counsel Patrick J. Kearns, Esq.

05/17/2018 Motion to Associate Counsel ▾

Motion to Associate Counsel - MASS (CIV)

Comment

Defendants Matthew Hecker, Daniel Friedman, Brenda
Halvorson, Geoffrey Edlund, Elling B. Halvorson, John Becker,
Elling Kent Halvorson, Lon A. Halvorson, and Papillon Airways,
Inc. d/b/a Papillon Grand Canyon Helicopters Motion to
Associate Counsel William J. Katt, Esq.

05/24/2018 Motion to Associate Counsel ▾

Judicial Officer

Denton, Mark R.

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

Notice of Hearing

06/18/2018 Motion to Associate Counsel ▾

Judicial Officer

Denton, Mark R.

Hearing Time

9:00 AM

Comment

Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson,
Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent
Halvorson, Lon A. Halvorson, and Papillon Airways, Inc. d/b/a Papillon
Grand Canyon Helicopters Motion to Associate Counsel Patrick J.
Kearns, Esq.

06/18/2018 Motion to Associate Counsel ▾

Judicial Officer

Denton, Mark R.

Hearing Time

9:00 AM

Comment

Defendants Matthew Hecker, Daniel Friedman, Brenda Halvorson,
Geoffrey Edlund, Elling B. Halvorson, John Becker, Elling Kent

Case 2:18-cv-00912-JCM-GWF Document 1-2 Filed 05/18/18 Page 354 of 356

Halvorson, Lon A. Halvorson, and Papillon Airways, Inc. d/b/a Papillon

Grand Canyon Helicopters Motion to Associate Counsel William J.

Katt, Esq.

07/19/2018 Status Check ▾

Judicial Officer

Denton, Mark R.

Hearing Time

9:00 AM

Financial

Riggs, Mary

Total Financial Assessment	\$358.00
Total Payments and Credits	\$358.00

3/5/2018	Transaction			\$333.50
	Assessment			

3/5/2018	Efile	Receipt	Riggs, Personal	(\$333.50)
	Payment	#	Representative,	
		2018-	Mary	
		15800-		
		CCCLK		

3/21/2018	Transaction			\$3.50
	Assessment			

3/21/2018	Efile	Receipt	Riggs, Mary	(\$3.50)
	Payment	#		
		2018-		
		19846-		
		CCCLK		

4/2/2018	Transaction			\$3.50
	Assessment			

4/2/2018	Efile	Receipt	Riggs, Mary	(\$3.50)
	Payment	#		
		2018-		
		22641-		
		CCCLK		

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4/2/2018	Transaction Assessment		\$3.50
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4/2/2018	Efile Payment	Receipt # 2018- 22724- CCCLK	Riggs, Mary (\$3.50)
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4/9/2018	Transaction Assessment		\$3.50
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4/9/2018	Efile Payment	Receipt # 2018- 24240- CCCLK	Riggs, Mary (\$3.50)
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4/13/2018	Transaction Assessment		\$3.50
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4/13/2018	Efile Payment	Receipt # 2018- 25630- CCCLK	Riggs, Mary (\$3.50)
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4/17/2018	Transaction Assessment		\$3.50
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4/17/2018	Efile Payment	Receipt # 2018- 26213- CCCLK	Riggs, Mary (\$3.50)
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4/30/2018	Transaction Assessment		\$3.50
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4/30/2018	Efile Payment	Receipt # 2018- 29240- CCCLK	Riggs, Mary (\$3.50)
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Hecker, Matthew

Total Financial Assessment	\$463.00
Total Payments and Credits	\$463.00

5/17/2018	Transaction Assessment		\$463.00
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5/17/2018	Efile Payment	Receipt # 2018- 33866- CCCLK	Hecker, Matthew (\$463.00)
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Estate of Jonathan Neal Udall

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Total Financial Assessment	\$93.50
Total Payments and Credits	\$93.50

3/9/2018	Transaction		\$93.50
	Assessment		

3/9/2018	Efile Payment	Receipt #	Estate of	(\$93.50)
		2018-	Jonathan	
		17227-	Neal Udall	
		CCCLK		

Documents

Initial Appearance Fee Disclosure - IAFD (CIV)
Complaint - COMP (CIV)
Amended Complaint - ACOM (CIV)
Affidavit of Service - AOS (CIV)
Affidavit of Service - AOS (CIV)
Motion to Associate Counsel - MASS (CIV)
Motion to Associate Counsel - MASS (CIV)
Affidavit of Service - AOS (CIV)
Acceptance of Service - ACSR (CIV)
Notice of Hearing - NOH (CIV)
Affidavit of Service - AOS (CIV)
Minutes - Minute Order
Initial Appearance Fee Disclosure - IAFD (CIV)
Motion to Associate Counsel - MASS (CIV)
Motion to Associate Counsel - MASS (CIV)